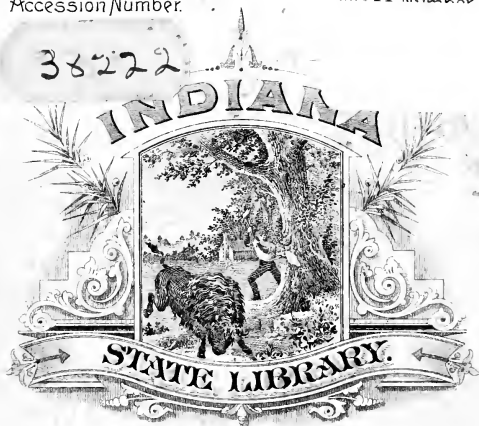




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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES,

OF THE

STATE OF INDIANA,

DURING THE

FORTY-SEVENTH REGULAR SESSION

OF THE

GENERAL ASSEMBLY,

COMMENCING THURSDAY, JANUARY 5, 1871.

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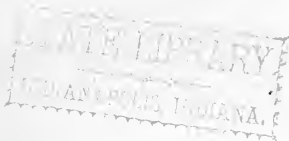
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# JOURNAL

OF THE

# HOUSE OF REPRESENTATIVES.

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THURSDAY MORNING.

January 5, 1871.

*The Forty-Seventh Regular Session of the General Assembly, of the State of Indiana, begun and held at the Capitol in the City of Indianapolis, on Thursday, the 5th day of January, A. D. 1871, at 10 o'clock A. M., being the day fixed by law for the meeting of the same.*

The House of Representatives being called to order by William M. Merwin, Principal Clerk of the last House of Representatives, the following members appeared, produced their credentials, and were sworn into office by Hon. Samuel H. Buskirk, one of the Judges of the Supreme Court of the State of Indiana, and took their seats, viz.:

From the county of Posey—Wolfgang Hynes.

From the county of Vanderburg—Robert P. Hooker and William Heilman.

From the county of Pike—Robert Logan.

From the county of Knox—Henry S. Cauthorn.

From the county of Daviess—Robert P. Haynes.

From the county of Spencer—James Gentry.

From the county of Perry—James Hardin.

From the counties of Dubois and Martin—Richard C. Stephens.

From the counties of Brown and Jackson—William W. Brown-  
ing.

From the county of Jefferson—James W. Deputy.

From the counties of Crawford and Orange—Luke B. Coggsell.

From the counties of Jefferson and Ripley—Daniel P. Monroe.

From the counties of Switzerland and Ohio—William G. Hol-  
land.

From the county of Ripley—William L. Hartley.

From the county of Franklin—Israel Goble.

From the county of Rush—Archibald M. Kennedy.

From the county of Decatur—William T. Strickland.

From the counties of Decatur and Rush—Benjamin T. Hill.

From the county of Jennings—Henry C. Bruner.

From the counties of Bartholomew and Shelby—Oliver H. P.  
Abbett.

From the county of Shelby—James J. Curtis.

From the county of Monroe—Pleasant L. D. Mitchell.

From the county of Greene—James A. Minick.

From the county of Sullivan—Nathan D. Miles.

From the county of Vigo—William Mack and Isaiah Donham.

From the county of Clay—John D. Walker.

From the county of Owen—Walker D. Guthrie.

From the county of Putnam—Willis G. Neff.

From the county of Hendricks—Allen Furnas.

From the county of Morgan—Noah J. Major.

From the counties of Hendricks and Putnam—Henry B. Martin.

From the county of Johnson—Duncan Montgomery.

From the county of Marion—Fielding Beeler, James M. Ruddell,  
O. M. Wilson, and Edward King.

From the county of Hancock—Noble Warrum.

From the counties of Morgan and Johnson—Caleb B. Tarlton.

From the county of Henry—John R. Millikan.

From the counties of Fayette and Union—Benjamin F. Williams.

From the county of Wayne—Benjamin L. Martin and William  
S. Ballenger.

From the county of Randolph—Asahel Stone.

From the county of Delaware—James P. Snodgrass.



- From the county of Harrison—Peter M. Zenor.
- From the counties of Henry and Madison—Thomas S. Lines.
- From the county of Madison—James W. Sansberry.
- From the counties of Hamilton and Tipton—William W. Conner.
- From the county of Hamilton—Richard R. Stephenson.
- From the county of Clinton—Franklin D. Caldwell.
- From the county of Carroll—A. P. McFarland.
- From the county of Boone—Anthony E. Gordon.
- From the counties of Boone and Clinton—William J. Devol.
- From the county of Montgomery—John W. Copner.
- From the county of Parke—John E. Woodward.
- From the county of Vermillion—Henry A. White.
- From the county of Warren—William P. Rhodes.
- From the county of Tippecanoe—Otho K. Weakley and Benjamin Ray.
- From the counties of White and Benton—John W. Wymer.
- From the county of Cass—William M. Gordon.
- From the county of Howard—T. M. Kirkpatrick.
- From the county of Dearborn—Warren Tebbs.
- From the county of Miami—Jonathan D. Cox.
- From the county of Wabash—Daniel Sayre.
- From the county of Grant—Robert T. St. John.
- From the counties of Jay and Blackford—William Taughinbaugh.
- From the counties of Adams and Wells—George McDowell.
- From the county of Allen—Robert S. Taylor and Jacob C. Shutt.
- From the county of Whitley—Isaiah B. McDonald.
- From the county of Kosciusko—Hiram S. Biggs.
- From the counties of Kosciusko and Fulton—Edward Calkins.
- From the county of Noble—Henry C. Stanley.
- From the county of DeKalb—Lewis D. Britton.
- From the county of Stueben—Stephen C. Sabin.
- From the county of LaGrange—William Rawles.
- From the county of Elkhart—Elam B. Meyers.
- From the counties of Elkhart and Noble—Joseph H. Defrees.
- From the county of Marshall—Milton M. Galentine.
- From the counties of St. Joseph and Marshall—Joseph Henderson.
- From the county of St. Joseph—William M. Butterworth.
- From the counties of LaPorte and Starke—George A. Netherton.
- From the county of LaPorte—William Schoenemann.

From the counties of Jasper, Newton and Pulaski—Israel B. Washburn.

From the county of Porter—William H. Calkins.

From the county of Lake—Martin Wood.

From the county of Bartholomew—Robert D. Hawley.

From the county of Washington—John H. Oatley.

From the county of Floyd—James H. Rice.

From the county of Gibson—William J. McGowan.

From the county of Clark—Henry S. Barnaby.

From the counties of Wabash and Miami—John L. Knight.

From the county of Fountain—Daniel W. Cunningham.

From the counties of Jefferson, Clark and Scott—John D. Simpson.

From the county of Warrick—G. D. Robertson.

Mr. Neff moved a call of the House.

Which was agreed to.

The following members answered to their names:—Messrs.

Abbett,	Deputy,	Hooker,
Ballenger,	Devol,	Hynes,
Beeler,	Donham,	Kennedy,
Biggs,	Friedley,	King,
Britton,	Furnas,	Kirkpatrick,
Browning,	Gallentine,	Knight,
Barnaby,	Gentry,	Lines,
Bruner,	Goble,	Logan,
Butterworth,	Gordon of Boone,	Mack,
Caldwell,	Gordon of Cass,	Major,
Calkins of Fulton,	Guthrie,	Martin of Wayne,
Calkins of Porter,	Hardin,	Martin of Putnam,
Cauthorn,	Hartley,	McDonald,
Coggsell,	Hawley,	McDowell,
Conner,	Haynes,	McFarland,
Copner,	Heilman,	McGowan,
Cox,	Henderson,	Minick,
Cunningham,	Hendry,	Miles,
Curtis,	Hill,	Millikan,
Defrees,	Holland,	Mitchell,

Monroe,	Sansberry,	Taughinbaugh,
Montgomery,	Sayers,	Taylor,
Myers,	Shoeman,	Tebbs,
Neff,	Simpson, W	Walker,
Netherton,	Shutt,	Washburn,
Oatley,	Snodgrass,	Warrum,
Rawles,	Stanley,	Weekly,
Ray,	Stephens,	Williams,
Rhodes,	Stephenson,	White,
Rice,	St. John,	Wilson,
Robertson,	Stone,	Wymer,
Ruddell,	Strickland,	Wood,
Sabin,	Tarlton,	Woodward,
		Zenor—96.

Mr. Ruddell moved that the House proceed to the election of Speaker.

Which was agreed to.

Mr. Neff nominated Mr. Maek, of Vigo county.

Mr. Williams nominated Mr. Wilson, of Marion county.

*Those who voted for Mr. Mack were, Messrs.*

Abbett,	Gordon of Cass,	Montgomery,
Britton,	Guthrie,	Neff,
Browning,	Hardin,	Oatley,
Barnaby,	Hartley,	Ray,
Bruner,	Hawley,	Rice,
Caldwell,	Haynes,	Robertson,
Cauthorn,	Henderson,	Sansberry,
Coggsell,	Holland,	Simpson,
Copner,	Hynes,	Shutt,
Cox,	Logan,	Stanley,
Cunningham,	McDonald,	Stephens,
Curtis,	McDowell,	Tarlton,
Devol,	McFarland,	Taughinbaugh,
Donham,	McGowan,	Tebbs,
Gallentine,	Miniek,	Walker,
Gentry,	Miles,	Warrum,
Goble,	Mitchell,	Wilson,
		Zenor—52.

*Those who voted for Mr. Wilson were, Messrs.*

Ballenger,	King,	Sabin,
Beeler,	Kirkpatrick,	Sayers,
Biggs,	Knight,	Schoenemann,
Butterworth,	Lines,	Snodgrass,
Calkins of Fulton,	Mack,	Stephenson,
Calkins of Porter,	Major,	St. John,
Conner,	Martin of Wayne,	Stone,
Defrees,	Martin of Putnam,	Strickland,
Deputy,	Millikan,	Taylor,
Furnas,	Monroe,	Washburn,
Gordon of Boone,	Myers,	Weakly,
Heilman,	Netherton,	Williams,
Hill,	Rawles,	White,
Hooker,	Rhodes,	Wymer,
Kennedy,	Ruddell,	Wood,
		Woodward—46.

William Mack, having received a majority of all the votes cast, was declared, by the Clerk, duly elected Speaker of the House of Representatives for and during the present session of the General Assembly, and was conducted to the chair by Messrs. Neff and Wilson.

Mr. Mack was sworn into office by the Hon. Samuel H. Buskirk, one of the Judges of the Supreme Court of Indiana, whereupon the Speaker made the following remarks:

*Gentlemen of the House of Representatives:*

To be selected by the hundred Representatives of the great State of Indiana to preside over your deliberations is an honor that I fully appreciate. And I hope with your patience and assistance to be able to so discharge the responsible duties of the office that when the time shall come for me to surrender this gavel, I may still retain the respect and confidence of the members of this honorably body.

Gentlemen: The political canvass of 1870, which resulted in our election, was marked by less partisan feeling and political acrimony than any canvass in the last twenty years.

We were chosen not to advance the interests of any political party, but to legislate for the whole people; and the men who sent us here

expect us to examine with zealous care the financial condition of the State; to remove with a firm and steady hand all the superfluities and excrescences of the body politic; to adopt and enforce a rigid system of economy in every department from the highest to the lowest, to correct the abuses of which the citizens justly complain, growing out of the fees and salaries of officers; in short, to see that every dollar that is wrung by taxation from the hard earnings of the people shall be appropriated and applied solely for the public good.

They will expect you to protect and guard the public funds with the same zeal, fidelity and watchfulness that each of you would guard the little estate left in your hands by the death of a dear brother for the support of his widow and helpless children.

But while you are adopting measures of economy and reform it behooves us as the representatives of a great State to be just and liberal. Parsimony is not economy. In providing for the education of our children, for the benovolent institutions of the State and other like matters, dare do all that may become men, who, proud of the present exalted position of our State, yet are ambitious to see her advance still higher.

In the consummation of this work of reform let me caution you against the changing of too many laws. The past history of our legislation shows that our laws have been so often amended, revised, repealed and re-enacted that none but those who make the law a profession can keep pace with these various changes. It is better that laws not utterly perfect should stand as they are, than be subjected to these constant mutations. If this system was adopted the people would become familiar with the laws, and thereby avoid much of the troubles arising in business and litigation in the courts.

You will pardon me for allusion to another matter. We hear talk on all sides and read in every newspaper we examine of organizations, rings, or combinations of men, who, uniting wealth, intellect, beauty, and all the means by which mankind may be approached, use their influence and power to obtain legislation for their private interest, to the detriment of the public good.

The measures of mighty import which you have to consider may invite them to this Assembly.

Can I not have the assurance of each member's pledge of honor, sacred as the oath he has this day taken, that in whatever shape or guise this hydraheaded monster may approach him, whether with the sweet voice of the fabled syrens, the spacious wisdom of venal intellects, or the more potent agency of moneyed influences, you will,

in the dignity of insulted manhood, stamp the proposers with the brand of infamy; that you will shun and avoid them as you would avoid a contact with the leper, whose touch is death. That whatever may be their name or proposed object or intellectual or social position, they are to have neither aid nor comfort, sympathy, friendship or power within this Legislative Hall.

May I not hope that we may so discharge our duties that when our arduous labors have closed, and we have bade adieu to each other and to this beautiful and pleasant city, and shall have returned to our homes and avocations, we may find not only those of our constituents who gave us their support, but even those who voted against us, extending to us the open palm of welcome, and exclaiming, well done, well done faithful servant!

Mr. Zenor moved that the House proceed to the election of Principal Clerk.

Which was agreed to.

Mr. McDonald nominated Samuel W. Holmes, of Jackson county.

Mr. Stephenson nominated D. C. Donahoe, of Putnam county.

*Those who voted for Mr. Holmes were, Messrs.*

Abbett,	Gordon of Cass,	Mitchell,
Britton,	Guthrie,	Montgomery,
Browning,	Hardin,	Neff,
Barnaby,	Hartley,	Oatley,
Bruner,	Hawley,	Ray,
Caldwell,	Haynes,	Rice,
Cauthorn,	Henderson,	Robertson,
Coggsell,	Holland,	Sansberry,
Copner,	Hines,	Simpson,
Cox,	Logan,	Shutt,
Cunningham,	Maek,	Stanley,
Curtis,	McDonald,	Stephens,
Devol,	DeDowell,	Tarleton,
Donham,	McFarland,	Taughinbaugh,
Gallentine,	McGown,	Tebbs,
Gentry,	Minick,	Walker,
Goble,	Miles,	Warrum,
		Zenor—52.

*Those who voted for Mr. Donahoe were, Messrs.*

Ballenger, 2	King,	Sayers,
Béeler,	Kirkpatrick,	Schoenemann,
Biggs,	Knight,	Snodgrass,
Butterworth,	Lines,	Stephenson,
Calkins of Fulton,	Major,	St. John,
Calkins of Porter,	Martin of Wayne,	Stone,
Conner,	Martin of Putnam,	Strickland,
Defrees,	Millikan,	Taylor,
Deputy,	Monroe,	Washburn,
Furnas,	Myers,	Weekly,
Gordon of Boone,	Netherton,	Williams,
Heilman,	Rawles,	White,
Hill,	Rhodes,	Wilson,
Hooker,	Ruddell,	Wymer,
Kennedy,	Sabin,	Wood,
		Woodward—46.

Samuel W. Holmes, having received a majority of all the votes cast, the Speaker declared him duly elected Principal Clerk of the House of Representatives.

Mr. Holmes was sworn into office by the Hon. Samuel H. Buskirk, one of the Judges of the Supreme Court of Indiana.

Mr. Tebbs moved that the House proceed to the election of Assistant Clerk.

Which was agreed to.

Mr. Caldwell nominated Frederick S. Williams, of Tippecanoe county.

Mr. Wymer nominated Milton M. Sill, of White county.

*Those who voted for Mr. Williams were, Messrs.*

Abbett,	Cauthorn,	Devol,
Britton,	Coggswell,	Donham,
Browning,	Copner,	Gallentine,
Barnaby,	Cox,	Gentry,
Bruner,	Cunningham,	Goble,
Caldwell,	Curtis,	Gordon of Cass,

Guthrie,	McDowell,	Robertson,
Hardin;	McFarland,	Sansberry,
Hartley,	McGowan,	Simpson,
Hawley,	Minick,	Shutt,
Haynes,	Miles,	Stanley,
Henderson,	Mitchell,	Stephens,
Holland,	Montgomery,	Tarlton,
Hynes,	Neff,	Taughinbaugh,
Logan,	Oatley,	Tebbs,
Mack,	Ray,	Walker,
McDonald,	Rice,	Warrum,
		Zenor—53.

*Those who voted for Mr. Sill were, Messrs.*

Ballenger,	King,	Schoenemann,
Beeler,	Kirkpatrick,	Snodgrass,
Biggs,	Knight,	Stephenson,
Butterworth,	Lines,	St. John,
Calkins of Fulton,	Major,	Stone,
Calkins of Porter,	Martin of Putnam,	Strickland,
Conner,	Millikan,	Taylor,
Deputy,	Monroe,	Washburn,
Defrees,	Myers,	Weekly,
Furnas,	Netherton,	Williams,
Gordon of Boone,	Rawles,	White,
Heilman,	Rhodes,	Wilson,
Hill,	Ruddell,	Wymer,
Hooker,	Sabin,	Wood,
Kennedy,	Sayers,	Woodward—45.

Frederick S. Williams having received a majority of all the votes cast, was declared by the Speaker, duly elected Assistant Clerk of the House of Representatives, and was sworn into office by Hon. Samuel H. Buskirk, one of the Judges of the Supreme Court of Indiana.

Mr. Abbett moved that the House proceed to the election of a Doorkeeper.

Which was agreed to.

Mr. Barnaby nominated Frank W. Schell, of Clarke county.



Mr. Ruddell nominated Thomas C. McConn, of Wabash county.

*Those who voted for Mr. Schell were, Messrs.*

Abbott,	Guthrie,	Montgomery,
Britton,	Hardin,	Neff,
Browning,	Hartley,	Oatley,
Barnaby,	Hawley,	Ray,
Bruner,	Haynes,	Rice,
Caldwell,	Henderson,	Robertson,
Cauthorn,	Holland,	Sansberry,
Coggsell,	Hynes,	Simpson,
Cox,	Logan,	Schutt,
Copner,	Mack,	Stanley,
Cunningham,	McDonald,	Stephens,
Curtis,	McDowell,	Tarleton,
Devol,	McFarland,	Taughinbaugh,
Donham,	McGowan,	Tebbs,
Gallentine,	Minick,	Walker,
Gentry,	Miles,	Warrum,
Goble,	Mitchell,	Zenor—52.
Gordon of Cass,		

*Those who voted for McConn were, Messrs.*

Ballenger,	Hooker,	Rawles,
Beeler,	Kennedy,	Rhodes,
Biggs,	King,	Ruddell,
Butterworth,	Kirkpatrick,	Sabin,
Calkins of Fulton,	Knight,	Sayers,
Calkins of Porter,	Lines,	Schoeneman,
Conner,	Major,	Snodgrass,
Defrees,	Martin of Wayne,	Stephenson,
Deputy,	Martin of Putnam,	St. John,
Furnas,	Millikan,	Stone,
Gordon of Boone,	Monroe,	Strickland,
Heilman,	Myers,	Taylor—46
Hill,	Netherton,	

Frank W. Schell having received a majority of all the votes cast, was declared duly elected Doorkeeper for and during the present term, and was sworn into office by the Speaker.

Mr. Neff offered the following preamble and resolution :

WHEREAS, By an act of the Legislature of the State of Indiana, approved January 19, 1846, and entitled "An act to provide for the 'Funded Debt' of the State of Indiana, and for the completion of the Wabash and Erie Canal to Evansville, and an act supplemental thereto, passed January 27, 1847. The said State of Indiana conveyed the Wabash and Erie Canal (including eight hundred thousand acres of land) in trust for the bond holders, and whereas said arrangement was made at the instance of the creditors of said State, and was recognized as an equitable and just settlement between said State and the holders of certificates of stock, or bonds of the Wabash and Erie Canal issued by said State; therefore,

*Be it enacted by the Legislature of the State of Indiana,* That the following amendment shall become a part of the Constitution of the State of Indiana when the same shall be agreed to by a majority of the members elected to each of the two Houses of the present Legislature, and the said amendment shall be entered on the Journals of each House of the present Legislature, and the same is hereby referred to the General Assembly of the State of Indiana to be elected at the next general election, to-wit:

#### AMENDMENT.

That the Legislature of the State of Indiana, is forever prohibited from purchasing or taking back the Wabash and Erie Canal, and said Legislature is prohibited forever from paying or assuming the payment or issuing bonds in lieu of the bonds, or certificates of stock issued by the State of Indiana, mentioned in the above recited acts, and any acts of the said Legislature which shall be passed authorizing the payment of said bonds, or funding the same, or in any way recognizing them as valid indebtedness of said State, shall be null and void.

Mr. Neff moved to lay the resolution temporarily on the table.  
Which was agreed to.

Mr. Ruddell moved that the Clerk inform the Senate of the organization of the House.

Mr. Neff offered the following resolution as a substitute for Mr. Ruddell's motion, which was accepted by Mr. Ruddell :

*Resolved*, That the Senate be informed that the House has convened, formed a quorum, and organized by the election of Hon. William Mack, Speaker; S. W. Holmes, Principal Clerk; Frederick S. Williams, Assistant Clerk; and Frank M. Schell, Doorkeeper, and that the House is now ready to proceed with Legislative business.

Which was agreed to.

Mr. Zenor offered the following resolution :

*Resolved*, That the rules adopted for the government of the last House of Representatives, be the rules of this House until others are legally adopted, and that a committee of five be appointed for the purpose of revising the rules for the government of this House, and make a report on Monday next.

Which was agreed to.

Mr. Hardin offered the following resolution :

*Resolved*, That the Speaker appoint five as a committee to report to this House the number of appointees that will be necessary to each department of the House and report the same at an early moment.

Mr. Copner moved to lay the resolution on the table.

Which was not agreed to.

Mr. Zenor offered the following as a substitute for the resolution offered by Mr. Hardin :

*Resolved*, That the Speaker of the House appoint a committee of five members to whom the Secretaries and Doorkeepers shall report the names and duties required of all the assistants by them appointed, and it shall be the duty of said committee to authorize the appointment of such assistants only as are needed, to report the same to the House for its action; and no person shall draw pay for his services as such assistants unless his employment be authorized by such committee and approved by the House.

Which substitute was agreed to.

The Speaker announced the following special committee on employes of the House:

Messrs. Zenor, Neff, Minick, Ruddell and Stephenson.

Mr. Martin offered the following resolution:

*Resolved*, That the daily meetings of this House shall be at nine o'clock A. M., until otherwise ordered.

Which was adopted.

On motion of Mr. Zenor, the House adjourned until two o'clock P. M.

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2 o'clock P. M.

House met.

Mr. Ruddell moved that the proposition of the Y. M. C. A. to furnish a Chaplain during the session of the General Assembly be accepted.

Which was agreed to.

Mr. Browning offered the following:

*Resolved*, That the Doorkeeper furnish each member of the House, the Clerk and the Assistant Clerk, with one set each of the Revised Statutes, the latest edition.

Which resolution was adopted.

Mr. Abbett offered the following:

*Resolved*, That the Doorkeeper be requested to furnish each member of the House with a copy of the standing Rules, and orders for the government of the House, adopted at the last session.

Which was adopted.

William Hendry appeared presented his credentials and was sworn in by the Speaker.

Mr. McDonald offered the following resolution :

*Resolved*, That a special committee of one from each Congressional District be appointed, who shall fix the amounts that shall be allowed, and paid to each member and officer of the House for stationery and postage stamps, and the number of papers to be furnished by the House, and that said committee be requested to report by to-morrow morning, and that all resolutions on the subject of stationery or papers be referred to said committee without debate.

Which was agreed to.

Mr. Major offered the following resolution :

*Resolved*, That the Statutes ordered to be furnished to members, be returned to the Librarian at the close of this session, and kept for the use of the next General Assembly.

Which was agreed to.

The Speaker announced the following special committee on Rules :  
Messrs. Zenor, Wilson, Abbett, Gordon of Boone, and Cox.

Mr. Cunningham offered the following resolution :

*Resolved*, That the thanks of the House be tendered to Judge Buskirk, of the Supreme bench and the officers of the last House, for the efficient services rendered in the organization of the House this morning.

Mr. Miles moved to lay the resolution on the table.

Which was not agreed to.

The question recurring on the adoption of the resolution.

It was agreed to.

Mr. Bruner offered the following resolution :

*Resolved*, That any elected or appointed officer of this House who shall be negligent of his duty, or guilty of intoxication during the session of this body, shall immediately forfeit his position and all compensation whatever thereafter; and that any Page who shall be guilty of using intoxicating drinks, or profane language, shall be dismissed by the Speaker; and forfeit all compensation thereafter.

Mr. Hardin moved to lay the resolution on the table.

Which was agreed to.

Mr. Wymer offered the following resolution :

*Resolved*, That a committee of three be appointed by the Speaker, who shall award to each member, his seat by lot.

Mr. Wilson moved to lay the resolution on the table.

Which was agreed to.

Mr. Wilson moved to reconsider the vote just taken and to lay the motion to reconsider on the table.

Which was agreed to.

Mr. Caldwell offered the following resolution :

*Resolved*, That the Doorkeeper be authorized and directed to contract with the proprietors of the Indianapolis Daily Sentinel, and the Daily Journal for three copies per day of said papers for each member, and elective officer of the House, one copy of each to be unwrapped and two copies wrapped and stamped ready for mailing, and that he in like manner contract with the proprietors of the Daily Telegraph of this city for two copies of said paper to be wrapped and stamped as aforesaid, all of which papers shall be laid upon the desks of the persons entitled thereto on the morning of their publication; and the House reserves the right to rescind said contracts should said papers fail to publish satisfactory reports of the proceedings of the House.

Which was referred to the special committee on stationery and papers.

Mr. Wilson offered the following resolution :

*Resolved*, That the Librarian be authorized to have set apart, for the exclusive use of the members, the north hall of the House; that the railings therein be changed to the east and west ends respectively; and all necessary racks and books be prepared and placed in proper condition for such use by said Librarian.

Which was agreed to.

Mr. Stephenson introduced

House Bill No. 1. "An act regulating the salaries and compensation of county officers and repealing all laws granting fees and perquisites to said officers inconsistent with this act, and providing penalties for the violation of any of its provisions."

Which was read a first time.

Mr. Furnas moved that two hundred copies be printed for the use of the House and Senate.

Which was agreed to.

Mr. Zenor introduced

House Bill No. 2. "An act to amend sections 4 and 6, of an act entitled an act prescribing the powers and duties of Coroners; approved May 27, 1852, and providing for an emergency.

Which was read a first time.

Mr. Zenor introduced

House Bill No. 2. "An act to amend sections 4 and 6, of an act prescribing the powers and duties of Coroners; approved May 27, 1852, and providing for an emergency.

Which was read a first time.

Mr. Cauthorn introduced

House Bill No. 3. An act for the time of holding the Circuit Court in the several counties of the Third Judicial Circuit and repealing all laws in conflict therewith, and declaring an emergency.

Which was read a first time and referred to a special committee of five.

Mr. Tebbs introduced

House Bill No. 4. "An act in relation to voluntary assignments, in trust, for the benefit of creditors and defining the powers of Courts of Common Pleas in relation thereto in certain cases."

Read first time and referred to judiciary committee.

Mr. Warrum introduced

House Bill No. 5. An act limiting and defining the extent of the jurisdiction of Grand Jurors in certain criminal cases, and repealing all laws in conflict with this act.

Which was read a first time.

Mr. Rhodes offered the following resolution :

*Resolved*, That a committee consisting of one member from each Congressional District be appointed by the Speaker, to whom shall be referred all bills on the subject of fees and salaries of county officers.

Mr. Gordon moved to lay on table.

Agreed.

Mr. Neff offered the following resolution :

*Resolved*, That a committee of two be appointed on the part of the House to join such committee as may be appointed on the part of the Senate to wait upon the Governor and inform his Excellency that the General Assembly is duly organized, and is prepared to receive whatever messages he may desire to send or communicate to the General Assembly.

Which was adopted.

The Speaker on part of the House appointed Messrs. Neff and Wilson.

The Speaker announced the following special committee on employes of the House.

Messrs. McDonald, Neff, Mitchell, Cauthorn, Simpson, Snodgrass, Gordon of Boone, Strickland, Henderson, Barnaby and Kirkpatrick.

A Message from the Senate, by Mr. Harrison, the Secretary thereof.

MR SPEAKER :

I am directed by the Senate, to inform the House, that the Senate has passed the following resolution, to-wit :



*Resolved*, That the House be informed that the Senate has organized by the election of William R. Harrison, Principal Secretary; James M. Cole, Assistant Secretary; James Cookerly, Doorkeeper; and that the Senate is now ready to proceed with Legislative business.

The Speaker announced the following special committee on House Bill No. 3:

Messrs. McGowan, Logan, Cauthorn, Haynes and Stephens.

The Speaker announced the following committee to confer with the Young Men's Christian Association, on the subject of Chaplains: Messrs. Ruddell, Defrees, and Stephens.

On motion of Mr. Abbet,

The House adjourned until 9 o'clock to-morrow morning.

## FRIDAY MORNING.

JANUARY 6th, 1871, 9 o'clock A. M.

The House met.

The Journal of yesterday was read.

Approved.

A Message from the Senate by Mr. Harrison, the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following concurrent resolution:

*Resolved by the Senate,* (the House of Representatives concurring therein,) That the Senate and House of Representatives meet in joint convention, in the Hall of the House of Representatives, on Wednesday next, at half past two o'clock P. M., for the purpose of electing such officers as are to be elected by this General Assembly, except Agent of State, the election of which officer shall be postponed four (4) weeks, unless said office shall be abolished by this General Assembly prior to said time.

Mr. McDonald from the special committee on stationery, postage stamps, and papers, made the following report:

MR. SPEAKER:

Your committee appointed to make report on allowances, stationery, and newspapers, to the members and elective officers of the House, beg leave to submit the following resolution:

*Resolved,* That the Doorkeeper of this House be authorized and empowered to contract for and deliver to each member and elective officer of this House, one (1) copy each of the *Daily Sentinel, Journal, Telegraph, News,* and *Commercial*, six (6) copies each of the *Weekly Sentinel, Journal,* and *Telegraph*, ten (10) copies of the

Weekly *Volksblatt*, and two (2) copies each of the Weekly *Mirror* and *The People*, all of said weeklies to be wrapped and stamped.

That each member of the House be authorized to draw from the State Librarian twenty dollars' (\$20.00) worth of stationery and stamps; that the chairman of each standing committee be authorized to draw from the Librarian five dollars' (\$5.00) worth of stationery for the use of his committee; that the Chief Clerk of this House be authorized to draw from the State Librarian such stationery in kind as may be necessary for the proper discharge of the duties of his office, and in amount not exceeding the sum of fifty dollars (\$50.00; ) that the Assistant Clerk of the House be authorized to draw from the State Librarian such stationery in kind as may be necessary in the proper discharge of the duties of his office, and in an amount not exceeding the sum of one hundred dollars (\$100.00; ) and that the Doorkeeper of the House be authorized and allowed to draw from the State Librarian such stationery as may be necessary in the proper discharge of the duties of his office, and in a sum not exceeding the sum of ten dollars (\$10.00) in value: *Provided*, That all such stationery shall be purchased at the lowest wholesale prices.

Mr. McDonald moved the adoption of the report.

Mr. Furnas offered the following amendment:

Amend by striking out all but the *Journal* and *Sentinel*.

Mr. Mitchell moved to lay the amendment upon the table.

Messrs. McDonald and Tebbs demanded the ayes and noes.

*Those voting in the affirmative were, Messrs.*

Beeler,	Cauthorn,	Guthrie,
Biggs,	Coggsell,	Hardin,
Britton,	Cox,	Hartley,
Browning,	Curtis,	Hawley,
Barnaby,	Defrees,	Haynes,
Bruner,	Donham,	Heilman,
Butterworth,	Galentine,	Henderson,
Caldwell,	Gentry,	Hooker,
Calkins of Fulton,	Goble,	Hynes,
Calkins of Porter,	Gordon of Cass,	King,

Kirkpatrick,	Rawles,	Tarlton,
Martin of Wayne,	Rice,	Taughinbaugh,
Martin of Putnam,	Ruddell,	Taylor,
McDonald,	Sabin,	Tebbs,
McDowell,	Sansberry,	Walker,
McFarland,	Schoeneman,	Warrum,
McGowan,	Simpson,	Williams,
Minick,	Shutt,	White,
Miles,	Snodgrass,	Wilson,
Mitchell,	Stanley,	Wymer,
Myers,	Stephens,	Wood,
Neff,	Stephenson,	Woodward,
Netherton,	St. John,	Zenor—71.
Oatley,	Strickland,	

*Those voting in the negative were, Messrs.*

Abbett,	Hendry,	Monroe,
Ballenger,	Hill,	Montgomery,
Conner,	Holland,	Ray,
Copner,	Kennedy,	Rhodes,
Cunningham,	Knight,	Sayers,
Deputy,	Lines,	Stone,
Devol,	Logan,	Washburn,
Furnas,	Major,	Weekly,
Gordon of Boone,	Millikan,	Mr. Speaker—27.

So the amendment was laid on the table.

Mr. Miles offered the following:

Amend by striking out twenty dollars (\$20.00) for stationery and insert five dollars (\$5.00) in lieu thereof.

Mr. Neff moved that the amendment be laid upon the table.

The ayes and noes were demanded by Messrs. Miles and Neff.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Biggs,	Barnaby,
Ballenger,	Britton,	Bruner,
Beeler,	Browning,	Butterworth,

Caldwell,	Hynes,	Schoenemann,
Calkins of Fulton,	King	Simpson,
Calkins of Porter,	Kirkpatrick,	Shutt,
Cauthorn,	Martin of Wayne,	Snodgrass,
Coggsell,	McDonald,	Stanley,
Copner,	McDowell,	Stephens,
Cox,	McFarland,	Strickland,
Cunningham,	McGowan,	Tarlton,
Curtis,	Minick,	Taughinbaugh,
Deputy,	Millikan,	Taylor,
Donham,	Mitchell,	Tebbs,
Furnas,	Monroe,	Walker,
Gallentine,	Montgomery,	Washburn,
Gentry,	Myers,	Warrum,
Goble,	Neff,	Weekly,
Gordon of Boone,	Netherton,	Williams,
Gordon of Cass,	Oatley,	White,
Guthrie,	Rawles,	Wilson,
Hardin,	Ray,	Wymer,
Hartley,	Rice,	Wood,
Hawley,	Ruddell,	Woodward,
Heilman,	Sabin,	Zenor and
Hill,	Sansberry,	Mr. Speaker—80.
Hooker,		

*Those who voted in the negative were, Messrs.*

Conner,	Knight,	Rhodes,
Devol,	Lines,	Sayers,
Haynes,	Logan,	Stephenson,
Henderson,	Major,	St. John,
Holland,	Martin of Putnam,	Stone—17.
Kennedy,	Miles,	

So the motion to lay on the table prevailed.

Mr. McDonald moved the previous question.

Which was seconded by the House.

The question recurring on the adoption of the original report.

It was agreed to.

Mr. Cauthorn, from the special committee on House Bill No. 3, submitted the following report:

MR. SPEAKER:

The select committee to whom was referred House Bill No. 3. "An act to provide for the time of holding the Circuit Court of the Third Judicial Circuit," have had the same under consideration and report the same back with the following amendments:

Strike out all of section two and insert the following: "That said Court may remain in session in the counties of Gibson and Daviess, three weeks; in the counties of Martin, Pike and Dubois, two weeks, and in the county of Knox, so long as the business thereof, shall require," and that when said Bill is so amended, your committee recommend its passage.

Which report was concurred in.

Mr. Zenor moved to reconsider the vote just taken, and that the motion to reconsider be laid upon the table.

Which was agreed to.

Mr. Tebbs offered the following:

*Resolved*, That the Doorkeeper be instructed to provide a room furnished with the necessary tables, desks, etc., to be under the direction of the Clerk and Assistant Clerk, for the sole use of the Enrolling, Engrossing and Journal Clerks of this House, and also whatever tables and desks may be required, to be placed in the lobby in the rear of the Speakers stand.

Which resolution was adopted.

Mr. Miles introduced

House Bill No. 6. An act to provide for the assessment and collection of taxes for municipal purposes, on the shares of stock owned in Bank and Banking Associations doing business in this State.

Which was read a first time and two hundred copies ordered to be printed for the use of the House and Senate.

Mr. Martin of Putnam, introduced

House Bill No. 7. An act prescribing certain duties of the

Clerks, Auditors, Sheriffs and Treasurers, of the several counties in this State, fixing their compensation, prescribing penalties for their failure to discharge their duties, regulating the appointment of bailiffs and their allowances, and repealing all laws in conflict therewith.

Which was read a first time.

Mr. Cauthorn moved that the motion by which the House ordered printed two hundred copies of House Bill No. 3, be reconsidered.

Which was agreed to.

Mr. Martin moved that the motion to print two hundred copies of House Bill No. 3, be laid upon the table.

Which was agreed to.

Mr. Calkins of Porter, introduced

House Bill No. 8. Entitled an act to amend sections 1, 3, 6, 7, 8, 9, 10, 11, 12, 13, 15, and 17, of an act entititled an act to authorize and encourage the construction of levees, dykes, and drains, and the reclamation of wet and overflowed lands, by incorporated companies, and to repeal all former laws relating to the same subject, going into effect May 22, 1869, providing remedies for persons interested, and penalties against corporations refusing to comply therewith and declaring an emergency.

Which was read a first time.

Mr. Martin of Putnam introduced the following resolution:

*Resolved*, That the Senate is hereby invited to meet the House in joint convention in the Hall of the House this afternoon at 2½ o'clock for the purpose of receiving the biennial message of the Governor.

Which was agreed to.

Mr. Browning introduced

House Bill No. 9. An Act to repeal an act entitled "An Act to discourage the keeping of useless and sheep-killing dogs, and providing penalties for the violation of any of the provisions of said act by officers and others, and also repealing an act to license dogs,"

approved March 11th, 1861, and providing that nothing in this act shall be so construed as to conflict with the provisions of an act entitled "An Act for the protection of sheep," approved June 15th, 1852, and approved March 2d, 1865.

Which was read a first time, and,  
On motion of Mr. Beeler,  
Was referred to the committee on agriculture.

Mr. St. John introduced

House Bill No. 10. An Act to amend section one of an act entitled "An Act to amend section forty-three (43) of an act providing for the settlement of decedent's estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved July 17th, 1852.

Which was read a first time and referred to the committee on the judiciary.

Mr. Tebbs introduced

House Bill No. 11. Entitled "An Act fixing the beginning of the Court of Common Pleas of Dearborn county in the fifth judicial circuit."

Which was read a first time and referred to a select committee of five.

Mr. Mitchell moved that a committee be appointed to procure the services of Rev. Mr. McMullen to act as chaplain of the joint convention, to be held this afternoon.

Which was agreed to.

The Speaker announced the following members to constitute said committee:

Messrs. Mitchell, Furnas, and Walker.

On motion of Mr. Tebbs,  
The House adjourned to 2 o'clock, P. M.



2 o'clock P. M.

The House met pursuant to adjournment.

The Speaker announced the following standing committee on elections:

Messrs. McDowell, Caldwell, White, Barnaby, Cauthorn, Cox, and Sabin.

Mr. Neff moved that all papers on contested elections be referred to committee on elections.

Which was agreed to.

Mr. Caldwell offered the following:

*Resolved*, That the Secretary of State be and he is hereby requested to lay upon the Speaker's desk forthwith, all papers on deposit in his office, having reference to cases of contest before this House.

Which was agreed to.

Mr. Mitchell from the committee on chaplains, reported that the committee had procured the services of Dr. Andrus.

Which report was concurred in.

Mr. Sabin moved that the Doorkeeper procure thermometers, to be placed within the hall and lobbies of the House.

Which was agreed to.

The Chair appointed the following members to constitute the special committee to consider H. B. No. 4.

Messrs. Tebbs, Holland, Monroe, Deputy, and Simpson.

#### JOINT CONVENTION.

The Senate then, in pursuance of the invitation of the House, came into the hall of the House, preceded by the President of the Senate, when the joint session was called to order by the President of the Senate.

The President then said :

*Gentlemen of the Senate and House of Representatives :*

We have assembled in joint convention for the purpose of hearing the biennial address of the Governor of the State.

The President then introduced Rev. Dr. Andrus, who opened the joint convention with prayer.

Whereupon His Excellency, Governor Conrad Baker delivered the following message :

*Gentlemen of the Senate and House of Representatives :*

Since the last adjournment of the General Assembly the Divine Providence has continued to smile upon the State, and the year that has just closed has been crowned with many blessings to her people.

#### STATE DEBT.

It affords me great pleasure in again welcoming the Representatives of the people to these Halls of Legislation to greet you at the outset with the assurance that the financial condition of the State, so far at least as the liquidation of our foreign indebtedness is concerned, is most satisfactory. Practically all the foreign debt of the State, except \$178,000 of the War Loan Bonds issued under the legislation of 1861, has been redeemed. So early a consummation of such a result was not anticipated two years ago, even by the most sanguine. It was then believed that the collection and application of the revenue for the year 1870 would be necessary to complete the redemption of the two and one-half and five per cent. certificates of State stock outstanding, and consequently that a portion of these stocks would have to continue to bear interest until the summer or fall of 1871. The result achieved is due to the fact that, in June last, I received from the Treasury Department of the United States on account of the eleventh instalment of Indiana War Claims against the United States, a draft or warrant on the Assistant Treasurer of the United States, at New York, payable to my order in my official capacity, for the sum of four hundred and sixty-four thousand

nine hundred and twenty-three dollars and twenty-four cents (\$464,923.24), which draft or warrant I immediately indorsed so as to make it payable to the Board of State Debt Sinking Fund Commissioners of the State of Indiana, upon the joint indorsement of Nathan Kimball, Treasurer of State, and Thomas C. Slaughter, Agent of State. I transmitted the warrant thus indorsed by the hands of the Treasurer of State to the Agent of State with the request that the proceeds of the draft should be applied in redeeming, first, such of the War Loan Bonds of the State as might be presented, and, secondly, to the redemption of the two and one-half and five per cent. certificates of stock still outstanding. The proceeds of the draft were applied accordingly, and hence the favorable condition of our foreign indebtedness before mentioned.

The Auditor of State, in his report, shows that at the end of the fiscal year, on the 31st day of October last, the foreign indebtedness of the State amounted to..... \$433,240 12  
And the domestic indebtedness to..... \$3,734,247 82

Making a total of.....\$4,167,487 94

Of the \$433,240.12 of foreign indebtedness thus reported, the sum of \$254,240.12 consisted of five and two and one-half per cent. certificates of State stocks then unsurrendered as follows:

Five per cents.....	\$249,219 99
Two and one-half per cents.....	5,020 13
Total.....	\$254,240 12

On the first day of July, 1870, the Board of Commissioners of the State Debt Sinking Fund notified the holders of the five per cent. certificates of stock to present them at the agency in New York for payment, on or before the 1st day of September, 1870, and that in default of such presentment the State would cease to pay interest thereon after said last mentioned date. The interest on the two and one-half per cents had been stopped long before by the Board, because of their non-presentment for payment under a like notice. As the money is, and has been, in the Treasury of the Agency at New York for the redemption of all these five

and two and one-half per cent. stocks still unsurrendered, and as the State has done all that can be reasonably required to procure their surrender, they should be treated and considered as practically paid, and to that end I recommend that the General Assembly ratify, if such ratification shall be thought necessary, the action of the Board of State Debt Sinking Fund Commissioners in stopping the interest on these five and two and one-half per cent. certificates.

Since the end of the fiscal year, and up to January 5th, 1871, the following State stocks have been redeemed, viz.:

Of the five per cent. certificates \$106,919.99 reduc-	
ing the amount still unsurrendered to.....	\$142,300 00

Of the two and one-half per cents \$1,288.13, reduc-	
ing the amount still unsurrendered to.....	\$3,732 00

Of the War Loan Bonds \$1,000, reducing the	
amount of these Bonds still outstanding to the	
sum of.....	\$178,000 00

The principal of the War Loan Bonds will not be	
due for many years, and, therefore, the State can	
neither compel their surrender nor stop the inter-	
est thereon. Treating the five and two and one-	
half per cents as practically paid, for the reasons	
already assigned, it follows that the entire recog-	
nized foreign debt of the State consists of War	
Loan Bonds to the amount of.....	\$178,000 00

The domestic debt of the State has been increased	
since the end of the fiscal year, October 31st, 1870,	
by the redemption of State indebtedness with	
moneys belonging to the Sinking Fund from	
\$3,734,267.82 to.....	\$3,792,601 15

It follows, therefore, that the debt of the State, foreign and domestic, on the 5th day of January, 1871, may be stated thus, viz.:

#### FOREIGN DEBT.

War Loan Bonds .....	\$178,000 00
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## DOMESTIC DEBT.

Non-negotiable bonds given to the School Fund....	\$3,551,316	15
Sinking Fund moneys applied to redemption of State debt for which no non-negotiable bond has yet been given to School Fund.....	177,700	00
Vincennes University Bonds.....	63,585	00
Total domestic debt.....	3,792,601	15
Entire debt, foreign and domestic, on the 5th day of January, 1871.....	3,970,601	15

STATE AGENCY AND BOARD OF STATE DEBT SINKING FUND  
COMMISSIONERS.

The Act approved December 21st, 1865, commonly called the State Debt Bill, provides for the abolition of the office of Agent of State as soon as all the five and two and one-half per cent. certificates of State Stock shall be redeemed and canceled.

The probability is that some of these certificates have been destroyed, and will, therefore, never be presented; if so, the agency, under this legislation, would be perpetual.

There is no longer any necessity for the State Agency, or for the Board of State Debt Sinking Fund Commissioners, and I therefore recommend that both be immediately dispensed with. There will be no injustice or impropriety in requiring the holders of the few remaining certificates to receive their money at the Treasury.

By reason of the application of the money received from the United States to the redemption of our foreign debt, as before stated, the ten per cent. State Debt Sinking Fund tax for 1870, will not be required when collected for the purpose for which it was levied. It will amount to over \$600,000, and as the law now stands would go into the hands of the Board of State Debt Sinking Fund Commissioners. Provision should be made for constituting the proceeds of this tax a part of the General Treasury of the State, to be appropriated as the General Assembly may direct.

## OLD INTERNAL IMPROVEMENT BONDS.

In the foregoing statement of the indebtedness of the State, I have not included as a part thereof one hundred and ninety-one

(191) old Indiana Bonds issued for Internal Improvement purposes prior to the year 1841, and upon which no interest has been paid by the State since said last mentioned year, except as hereinafter stated. All of these 191 bonds are believed to be what are technically known as Internal Improvement Bonds—that is, bonds issued under the General Internal Improvement Act of January 27, 1836, except sixty-nine of them. These sixty-nine bonds last mentioned are Wabash and Erie Canal Bonds, held by the United States as an investment for certain Indian tribes, and the interest thereon was in November, 1868, settled up to the first day of July of that year, by the Government withholding and applying to that purpose so much of the audited and allowed war claims of the State as was necessary to pay such interest, as is fully explained in my regular message delivered at the opening of the last General Assembly, and to which you are respectfully referred.

A part of the 191 bonds before alluded to are dollar bonds, and a part sterling bonds, but the precise number of each kind I have been unable to ascertain. The dollar bonds are for \$1,000 each, payable in New York City, and the sterling bonds are for two hundred and twenty-five pounds sterling each, payable in London. These bonds may be safely estimated at \$191,000, exclusive of interest and exchange. John W. Garrett, Esq., of Baltimore, is represented to be the owner of 41 of these 191 bonds; ten of the 41 being sterling bonds and the residue being dollar bonds. Mr. Garrett, soon after the adjournment of the last special session of the General Assembly, as the holder of these 41 bonds, commenced an action in the Circuit Court of Carroll County, in this State, against the Board of Trustees of the Wabash and Erie Canal, for the purpose of enforcing against said canal and its revenues in the hands of said Board of Trustees, a lien on the canal which he insists was created to secure the payment of said bonds, by the provisions of the General Internal Improvement Act before mentioned.

The suit is brought not only for the benefit of the plaintiff, but for the benefit of all other persons standing in the same relation, and holding similar bonds. Soon after I was informed of the pendency of this action, I procured a transcript of the record thereof, with a view to considering what steps, if any, were necessary to be taken to protect the interests of the State in relation to matters connected with the litigation.

Upon an examination of the General Internal Improvement Act of January 27, 1836, and the case of the Trustees of the Wabash and Erie Canal vs. Beers, decided by the Supreme Court of the United States in 1862, and reported in 2d Black's Reports, page 448, I became satisfied that the bonds issued by authority of said act were, by the 9th section thereof, charged as a lien upon all the public works of the State, including the Wabash and Erie Canal, or at least that part of it which is situated below or south of the mouth of the Tippecanoe river. In this view of the subject, it became my duty to the State to prevent, if possible, the rendition of any decree under which the Board of Trustees of the Wabash and Erie Canal could be divested of the control of the canal or its revenues until after the meeting of the General Assembly, so that provision might be made to protect the trust and the interests of the State in any and every possible contingency that might arise. Accordingly I employed counsel, and attended the court in person, accompanied by such counsel, and co-operating with Hon. D. D. Pratt, who acted as the attorney of the canal trustees, a defect of parties defendant was pleaded, in omitting to join the present owners of the other public works embraced in the lien. This course rendered it necessary that the plaintiff should continue the cause to bring the additional parties before the court, and it was continued to the February term, 1871, of said court. The White Water Valley Canal, twenty-seven miles of the south end of the Madison and Indianapolis Railroad, the New Albany and Vincennes Turnpike Road, and that part of the northern division of the Central Canal which is situated in Marion county, are all included in the lien, and all of them, except the White Water Valley Canal, having been aliened by the State before the State conveyed the Wabash and Erie Canal to the trustees under the Butler bill, it follows that they would have to be applied to the satisfaction of the lien before the Wabash and Erie Canal could be subjected to the payment of any portion of said lien.

The White Water Valley Canal was aliened before the Wabash and Erie Canal was transferred to the Trustees, and consequently said last named canal would be liable in equity to be subjected to the satisfaction of the common lien before the White Water Valley Canal could be reached. I suppose it is certain that the other works liable to be subjected to the satisfaction of the lien before the Wabash and Erie Canal could be reached would not

satisfy the entire lien, and if they would that the State having sold these other works for a valuable consideration, ought to protect them from the enforcement of this lien against them. If these bonds are a lien on the Wabash and Erie Canal, as I believe them to be, the State can not afford to permit the title of the Trustees to be divested or their possession and control of the canal and its revenues to be interrupted by the judicial enforcement of said lien. To prevent this, provision should be made to pay out of the Treasury of the State such of said 191 bonds as may be adjudged to be a lien on the canal and its revenues whenever it may become necessary to make such payment in order to prevent the canal or its revenues from being subjected to the satisfaction of the lien. Indeed, independently of this lien altogether, I do not see how the State can honorably refuse to redeem these few outstanding Internal Improvement Bonds. They were issued by the State, and the faith of the State was pledged for their redemption, and this pledge cannot be disregarded or set aside without the consent of both parties to the contract, if the State has the ability to redeem the pledge, of which there can be no doubt. If the holders of the bonds had surrendered them under the Butler Bill, as other holders surrendered theirs, and agreed to look exclusively to the revenues of the canal for one-half of their debt, this would have been a new contract, and the State could not be justly complained of for insisting on its execution. But the holders of the bonds now under consideration have continuously refused to surrender them under the adjustment proposed by the Butler Bill, and the State can not compel them to do so, nor can she refuse to pay them without repudiating her plighted faith.

If the State should stand by and permit the canal or its revenues to be wrested from the hands of the Canal Trustees, to satisfy a paramount lien created by the State itself prior to the conveyance of the canal to said Trustees, then, indeed, might the holders of the canal stocks, with some show of reason, claim that the State should redeem the many millions of dollars of canal stocks which, under the existing arrangement, are exclusively charged upon the canal, and for which the State is in no way bound. I hope that you will promptly adopt such measures as will forever prevent the possibility of the trust being disturbed or impaired by the enforcement of this lien. It is both right and expedient that the State should thus protect



the trust property ; and I also recommend that the State relieve the Board of Canal Trustees from all the expenses of litigation to which they have been or may be subjected in defending the trust property from the attempt made to subject it to the satisfaction of said lien.

I herewith respectfully submit the professional opinion of Messrs. Hendricks, Hord and Hendricks, the attorneys employed as aforesaid, touching the questions involved in and connected with said litigation, with my letter to them, containing the questions to which said opinion is a response.

#### CANAL DEBT.

In this connection I desire again to call attention to a renewal of the effort which is about to be made by the holders of the Wabash and Erie Canal stocks to induce the General Assembly to charge the payment thereof on the Treasury of the State.

In 1857, in anticipation of an attempt which it was rumored would then be made for the accomplishment of the same object, the General Assembly passed a joint resolution, approved February 19, 1857, declaring that the Legislature has no power under the Constitution to purchase the Wabash and Erie Canal, and that if the power existed, it would be unwise, impolitic and injurious to the best interests of the people of the State to purchase said canal. This resolution, although not very aptly worded, was intended to anticipate and condemn an expected effort to have the canal debt charged by legislative action on the State treasury.

Early in the month of March, 1857, and a few days before the adjournment of the General Assembly, the holders of the canal stocks transmitted a memorial through the Governor to the General Assembly, in which they attempted to show that the State by her own acts had rendered herself liable for the payment of said stocks. This memorial had been, however, before its reception, anticipated and responded to by the passage of the joint resolution before mentioned, and that response still remains on the statute book as the unrepealed expression of the Legislative will on the subject to which it relates. The holders of the canal stocks or their agents, have recently caused a new edition of this same memorial to be printed in pamphlet form, copies of which, with other publications having the same object in view,

have been transmitted by mail to all the members of the present General Assembly, as I am informed, and to the executive officers of the State, including myself.

This memorial and the accompanying publications entirely concur in the object sought to be attained; but, not only disagree but contradict each other as to the basis on which the rights of the memorialists and the liabilities of the State are predicated.

The memorial in several places, either in terms or by the clearest implication, concedes that by the adjustment of 1847, one-half of the former debt of the State ceased to be a State debt, and became a canal debt, chargeable exclusively upon the Wabash and Erie Canal, its lands and revenues; but insists that, after the making of the arrangement, and by the violation thereof, the State revived her own liability by authorizing the building of railroads which carried freight and passengers that would have been carried, in the absence of such railroads, by the canal, thereby impairing the revenues of the canal to such an extent as to render it practically worthless as a security.

The publications which accompany the memorial, deny the concessions made by the memorial, and assert that by the adjustment, the State never was released from her liability to pay that half of the former debt of the State which was charged upon the canal. I propose to notice both of these theories, and in doing so, I shall, for convenience sake, submit what I have to say in support of the two following propositions, viz.:

1st. That by the terms of the acts of January 19, 1846, and January 27, 1847, commonly called the "Butler Bill," and the nature of the negotiations which resulted in their adoption, and especially the amendments suggested by the principal bondholders, to the first act, and adopted in the second; the character of the bonds surrendered, and the certificates of canal stock issued and received in lieu thereof; and, by the contemporaneous and subsequent construction put upon the adjustment by both parties thereto, it is clear that the canal stocks, which the State is now asked to charge upon her Treasury, were to be, and were, charged exclusively upon the Wabash and Erie Canal, its lands and revenues, and that the State was not to be, and was not, bound to pay any portion of these stocks, although she reserved the right to redeem the canal at her option, after the expiration of twenty years from the date of its transfer to the Trustees, by

paying the principal sum charged upon it, to the holders of the certificates of the stock thus charged.

2d. That the State has not, since the adjustment of 1847, by the incorporation of railroad companies, and authorizing them to construct railroads within the State, or by any other act of hers, according to any recognized rule of law, or any established principle of equity jurisprudence, created a liability on her part to pay said canal stocks, or any part thereof. In other words, had the same transactions occurred between two natural persons, over whose rights and liabilities the Courts could have exercised the fullest jurisdiction, the claims now urged against the State could not have been enforced as between these natural persons by an action at law, or a suit in equity.

Before presenting any argument in support of said first proposition, it may be well to premise that prior to the adjustment of the State debt, under the Butler Bill, Indiana was hopelessly embarrassed, her indebtedness then being largely above and beyond her ability, present or prospective, to pay. At the same time, the State owned the Wabash and Erie Canal, in an unfinished condition, with 800,000 acres of land lying within the State, which Congress had donated to the State to enable her to complete said canal. Under these circumstances it was not a matter of choice, but of absolute necessity, that, to enable the State to resume the payment of interest on her indebtedness,—which had been suspended in 1841—her Treasury must be relieved in some way from the payment of some part of the debt which was then a charge upon it.

The creditors of the State, or a large number of them, conceding the existence of this state of affairs, deputed Charles Butler, Esq., of New York, to visit the State Capitol during the session of the Legislature, and confer with the State government as to the adjustment of the debt. This brings me to a consideration of the evidence contained in the negotiations which resulted in the passage of the Butler Bill, going to show that from the very inception of these negotiations, and, indeed, before their inception, the idea was held out to the people of the State, that her creditors were willing to charge the canal and its lands and revenues with, and discharge the State from some portion of the debt.

The first allusion to such an adjustment to be found in our public records, is contained in the annual message of Governor

Whitcomb, delivered to the General Assembly of the State, December 2, 1845, from which I quote the following extract, premising that the person alluded to in the extract is Mr. Butler. It reads as follows, viz.:

"It was said, in a quarter entitled to respect and confidence, at a meeting held at Terre Haute, in May last, that, if the State were to pay to her bondholders, by a State tax and otherwise, a portion of her public debt, it was thought that they would be prepared to take the profits of the canal for the balance. The gentleman who expressed this opinion is now in attendance as the representative of our foreign bondholders, and has verbally advised me that he will shortly prepare a communication offering a liberal arrangement to be laid before the General Assembly."

From this it will be seen that Mr. Butler, months before he reached Indianapolis, had made the impression on the minds of the people, and of the Governor of the State, that the bondholders would *take the profits of the canal for a part of the debt.*

Under the date of December 10th, 1845, Mr. Butler addressed a lengthy communication, through the Governor, to the General Assembly on the subject of the State's indebtedness, and the wish of the creditors for an early adjustment. This communication was referred to a joint committee of both Houses, of which Mr. Secrest, of the House, was a member, and of which Mr. Lane, of the Senate, was chairman.

Mr. Secrest, in the report submitted by him from the joint committee to the House of Representatives, said, that "the general statements contained in Mr. Butler's above mentioned communication to the Governor, were not sufficiently definite for the committee to rest upon as a basis of any action."

In reply to a resolution of the joint committee, informing Mr. Butler of the organization of the committee and its readiness to receive any written proposition from him, in relation to an arrangement of the State debt, he communicated his first written proposition to the committee, of the date of December 19, 1845. On the 25th of December, the committee informed Mr. Butler, by resolution, of its inability to accede to the proposition so submitted by him.

On the 26th day of December, 1845, Mr. Butler made his second proposition, which was accepted, and incorporated into the Act of January 19th, 1846.

Although Mr. Butler did, in that proposition, use language

upon which the holders of the Canal stocks now place so much stress, to the effect that he did not feel himself at liberty to make any proposals or consent to any arrangement which should embrace less than the eventual payment of the just claims of the bondholders for the entire amount of the principal and interest of the bonds in their possession; yet it is manifest that Mr. Butler, in using this language, considered that a payment of a part of the debt by taxation, and a charging of the residue exclusively on the lands and revenues of the Canal, would embrace the eventual payment of the whole, and that he was willing to take the risk of the Canal's paying its part of the debt. Conclusive evidence of this is found in the second paragraph of the proposition. The first paragraph of the proposition having provided for the payment of the interest of one-half of the debt from the revenues of the State, the second reads as follows, to wit.:

"2. The remaining two and a half per cent. on the principal of the bonds, computing from first January, 1841, shall be chargeable against and paid out of the revenues of the Canal, *and shall not be otherwise chargeable against the State.*"

Mr. Butler adds, in a subsequent sentence: "As such reliance is proposed to be placed on the Wabash and Erie Canal by the bondholders for the payment of one-half of the back and accruing interest, it is proper to say that its completion is deemed essential to the plan of liquidation contemplated," etc.

I now call your attention to the interpretation placed on the adjustment by Mr. Secrist, in the report which he submitted, and in which he urged the adoption of the bill which subsequently passed. The following language is used in the report, viz.:

"This proposition is substantially to *release the general revenues of the State and her public faith* from one-half of the entire funded debt, and make the same a charge against the Erie, Wabash and Ohio Canal in Indiana. In effect, it is the same as taking one-half of the public debt from the shoulders of our tax-payers and placing it upon this canal—a work from which the State has not as yet realized any income whatever, though it is to be hoped that, under judicious management, it may be made to yield a handsome revenue. In addition to this, the bondholders are willing to take the canal and its lands (not absolutely, but in trust,) and finish the work through to the Ohio river, advancing one-third or more of the cost of completion in cash, and using the lands for the balance, so far as practicable, and taking their

recourse for this advance, not against the State, but only against the lands and revenues of the canal, thus advancing money to the canal on the security of the Congress grants of lands without imposing any further debt upon the State, but, on the contrary, in effect leaving our debt less by one-half than it now is."

The provisions of the bill accompanying this report show that Mr. Secrist did not misunderstand or misinterpret it. The bill shows, in divers sections, by affirmative as well as by negative expressions, that the canal was charged exclusively with the payment of one-half the interest of the entire debt, and that the State and her plighted faith were discharged from the same.

By the 32d section of the act of January 19th, 1846, the State reserved the right to also charge exclusively upon the revenues of the canal one-half of the principal of the entire debt. This was to be done by calling in and requiring to be surrendered the stocks which might be issued under the first section of the act, and giving to the holders in lieu of them new certificates for one-half of the principal thereof, to bear interest at and after the rate of five per cent. per annum, the principal and interest to be charged on the revenues of the State; and, also, by giving to each such holder another certificate for the other half of the principal of such stock, to bear a like interest of five per cent., *"and to be paid and redeemed and only paid and redeemed out of said canal lands, and the tolls and revenues of said canal; and from and after the time that the State shall call in said stock issued under the first section of this act, and shall issue new certificates, as afore-said, the State, its faith and revenues shall be only pledged and responsible for the payment of one-half of the principal and interest at five per centum per annum thereon; and for the other half of said principal and interest the holders of said certificates shall look solely and exclusively to said canal lands and the tolls and revenues of said canal."*

The said act of January 19, 1846, was submitted to a committee of European bondholders by Mr. Butler, and that committee at a meeting held in London, May 30th, 1846, formally resolved "to concur in the principles laid down in the act of the Legislature, passed at Indianapolis, on the 19th of January, for the adjustment of the debt of that State (Indiana) by the payment of one moiety of the principal and interest by taxation, and the other moiety by the property and tolls of the canal from the State line adjoining Ohio to Evansville on the Ohio river; such

*property to be assigned to three trustees, and the State to be freed from responsibility on that portion of the debt and interest so to be secured."*

This resolution was communicated to Governor Whitcomb, who, in his Message delivered December 2d, 1846, submitted it to the Legislature, and construed it to mean that the State was to be freed from all responsibility on that portion of the debt and interest, which was to be charged on the canal.

The supplemental act of January 26, 1847, is chiefly the work of the London Committee, and the very first section in the exercise of the option reserved to the State by the thirty-second section of the original act, declares that one-half the principal of the debt shall be charged upon the treasury of the State, and the other half upon the canal lands and tolls and revenues of the canal, as provided in the thirty-second section of the original act, and that upon the surrender of the State bonds then outstanding, two certificates shall issue to each holder, each for one-half of the principal, one chargeable on the treasury of the State, and the other on the canal, its lands and revenues.

The following extract from the message of Governor Whitcomb, delivered to the General Assembly on the 11th day of January, 1848, not only shows the same construction of the arrangement, but in a few brief sentences, explains the difference between the original and supplemental bill. The extract is in these words, viz:

"But while the original bill gave the State the option of afterwards throwing one-half of the *principal* also upon the canal for payment, by the supplementary bill (and consequently by the law as it now stands), that object is at once effected by one-half of the surrendered debt, both principal and interest, resting exclusively upon the canal for payment, the State being released from all further responsibility in relation to it. The great and leading principle, therefore, of the first bill, namely, the satisfying of one-half of the surrendered debt from the canal remains unchanged, nor does the supplementary bill involve the State any further in debt. The main difference between the bills consists in the latter giving to the bondholders, who should finish the canal, a priority in the payment of their claims and expenses of its construction out of the tolls and profits, over those who would not join in its construction."

The character of the bonds surrendered and the stocks received in lieu thereof, prove the same theory. The bonds surrendered

pledged the faith of the State for their payment, and mortgaged the public works to secure the performance of that pledge. The canal stocks received in lieu of one-half of the principal of these bonds so surrendered, contain no promise on the part of the State to pay the amount named in the certificates of stock, no pledge of the faith of the State for that purpose; no lien on any of the public works of the State except the canal, but the whole obligation is expressed in these words: "That the Wabash and Erie Canal, and all tolls, lands and effects appertaining thereto, from the State line to Evansville, are irrevocably pledged in virtue of said acts, etc., to A. B., etc., and his assigns, for the sum of \$1,000, etc."

It is a well-established principle of law, independently of statutory enactments, that where a mortgage contains no covenant or promise to pay the mortgage money, and there is no such covenant or promise in any other paper, the mortgagor, although he *may redeem* the mortgaged premises, is not personally bound, and the mortgagee must look exclusively to the mortgaged property for satisfaction.

The last reference I shall make in proof of the first proposition is to an opinion of the Supreme Court of the United States in the case mentioned in a former part of this communication, viz.: The trustees of the Wabash and Erie Canal against Beers. 2d Blackf., 451.

In that case the Court, in incidentally construing this very Butler bill, speaking of the surrender under it by one of the parties to the suit, of certain bonds of the State, uses this language: "The holders of the latter bonds believed that with the \$200,000 lien prior to theirs, *they would improve their condition by taking the State for one-half the debt, and the canal stock certificates for the other.*"

The second proposition is, that the State has not, since the adjustment of 1847, by the incorporation of railroad companies, or by any other act of hers, according to any recognized rule of law, or any established principle of equity jurisprudence, created a liability on her part to pay any portion of the debt charged upon the canal. It is a principle of public law which this State has no disposition to gainsay or evade, that a sovereignty which can not be sued is bound in the performance of her contracts to do, and omit everything which individual persons, under similar circumstances, could be compelled by action at law or suit in



equity to do, or to refrain from doing. We insist, however, that the good faith and honor of the State do not demand anything beyond the requirements of this rule; and that Indiana, in the matter complained of, has done nothing which a natural person could have been compelled to omit, and has omitted nothing which such a person could have been compelled by judicial proceedings, under similar circumstances, to do.

The memorial of the holders of the canal stocks, bases their claim exclusively upon the assumption that Indiana has wrongfully and in violation of her covenants contained in the Butler Bill, authorized the construction of a system of railroads, which, coming in competition with the Wabash and Erie Canal, has so impaired its revenues as to destroy its value as a security. That railroads have been built in this State by incorporated companies, organized or assuming to act under State laws passed since the transfer of the canal to the Trustees, can not be denied, and it must be admitted that one of these roads does come in direct competition with the canal, and has largely contributed to the reduction of its revenues. With this admission, however, we insist that there is no stipulation in the Butler Bill or elsewhere, restraining the State from developing her resources by the construction of railroads either by direct State action, or by authorizing their construction by incorporated companies. Covenants or stipulations must be construed in reference to the main scope and body of the instrument in which they are contained, and can not, by wresting them from the context, be made to apply to matters not contemplated by the parties, and which would not have been agreed to if they had been suggested prior to the closing of the compact. The memorialists, to make out a breach of covenant on the part of the State, rely upon the stipulations contained in the fourteenth section of the Supplemental Act of January 27, 1847, but omit the recitals which give significance to the language employed; and to sustain their construction they enlarge the scope of the stipulations therein contained, in a manner that no lawyer would pretend to do in construing a contract between individuals. Covenants in restraint of any lawful business or trade are never implied, and when clearly expressed are considered to be against public policy, and therefore strictly construed against him who seeks to enforce the restraint. Here is an arrangement made between the State and a portion of her creditors, not before the invention of railroads,

but after their practical introduction into this State, whereby, with the assent of the creditors, one-half of the debt of the State is charged on the revenues and Treasury of the State, and the other half exclusively upon the Wabash and Erie Canal, its lands and revenues, without a word being said in the legislation, or in the negotiations which led to it, about the State being restrained in her right to make railroads, or to authorize others to build them within her limits; and yet it is insisted that the covenants made by the State, in relation to the things she did agree to do, or omit, are to be extended by construction or implication, so as to embrace a covenant to abdicate her sovereignty and refrain, forever, or so long as the arrangement should continue, from building, or permitting to be built, any of these great instruments of modern civilization and progress, which might compete with said canal, or impair its revenues.

Suppose Mr. Butler, in his negotiations with the Legislature, had made it a part of one of his propositions that the State should never build, or authorize the building of a railroad within her limits that should, to any extent, great or small, come in competition with the Wabash and Erie Canal, is it not certain that the proposition, so long as it contained such a feature, would have been promptly rejected. The construction contended for is monstrous. Indiana never expressly or by implication, stipulated to stand in the way of her own development, or of the development of the nation, by prohibiting railroads from being built within her borders that might come in competition with the Wabash and Erie Canal.

If, however, for the sake of the argument, we admit the construction contended for by the memorialists, still there is another complete and perfect answer to the claim made by them. It is notorious that since the transfer of the Wabash and Erie Canal to the Trustees, the State has not made a single mile of railroad. It is equally true that no line of railroad has been constructed within the State by any organized company which can, in any just or proper sense, be said to come in competition with said canal, except the Wabash Valley Road. This road does run parallel with and near the canal from Fort Wayne, in Allen County, to Attica, in Fountain County, a distance of about one hundred and thirty miles. If it shall be said that the Evansville and Crawfordsville Railroad, extending from Evansville to Terre Haute, is also a competitor of the canal, the reply is, that the

canal from Terre Haute to Evansville was a failure from the beginning, and never was in a condition to compete with a good wagon road between the two points above named. This reduces the grounds of complaint to the failure of the State to prevent the construction of the Wabash Valley Railroad.

The Constitution of the State was amended in 1851 so as to prohibit the incorporation of railroad or other companies by local or special legislation, but allowing their organization under general laws to be passed for that purpose. By reason of this, the General Assembly, in 1852, passed a general railroad law under which railroad companies might be organized. If there ever was any legislative authority for the building of the Wabash Valley Railroad, it was derived from this general law, for it is certain that no special charter was ever given for that purpose. It either was or it was not a part of the contract between the State and the holders of the canal stocks that the State should neither build or authorize the building of any railroad that might compete with the canal. If it was not a part of the contract that the State should be thus restrained, then the claim made by this memorial falls to the ground. If the contract did restrain the State as contended for, then the question arises whether the general railroad law of 1852 authorized the building of the Wabash Valley Railroad. It must be admitted that said law is general in its terms, and contains no express restriction on the subject of lines of railroads that might compete with the canal, and yet I insist that the general railroad law could not, and did not, authorize the building of any railroad, the construction of which was interdicted by a valid subsisting contract made by the State. If the State by the arrangement of 1847, contracted that no such improvement as the Valley Railroad should be made, a subsequent authorization by the State of the making of the road would be an attempt to license by State law the impairing of the obligation of a contract, a thing which every State is, by the express terms of the Constitution of the United States, inhibited from doing.

It is not to be *presumed* that the State intended to pass an unconstitutional act, and if the general railroad law is susceptible of two constructions, the one constitutional and the other unconstitutional, the former interpretation must be adopted and the latter rejected. Upon the theory, then, that the State was by her contract restrained from authorizing a railroad to be

built that would compete with the Wabash and Erie Canal, and thereby diminish its revenues, the general railroad law of 1852, although unrestricted in its terms, must be construed to apply only to such lines of road as it was competent for the State to authorize without impairing the obligation of any contract. Upon the assumption that the building of competing roads was prohibited by the contract, and upon the construction of the general railroad law of 1852, just suggested, it follows that the construction of the Wabash Valley Railroad was unauthorized by that act, and was, therefore, an illegal act, which the Trustees of the canal—two of whom are selected by the holders of the canal stocks—or the stockholders themselves could have restrained by injunction. The railroad, of the construction of which complaint is made, was built, not by the State, but by persons acting, or assuming to act, as a corporation under a pretended authority from the State, and these persons were amenable to civil process, and the Federal and State Courts were open to the memorialists, and could have afforded them a complete remedy, by injunction, for what they now say was an irreparable injury, done by authority of the State.

Suppose the Wabash Valley Railroad Company, instead of constructing their road on the line which it now occupies, had located and commenced constructing it on the towing path, or in the bed of the Wabash and Erie Canal, could the Canal Trustees and the holders of the canal stocks have stood by and witnessed such an appropriation of the canal, under the pretense that it was authorized by the State, and then make this tort of the railroad company the basis of a claim against the State?

If the holders of the canal stocks had vested rights in the canal, as they insist in their memorial, then the State did not, and could not, authorize their destruction; and, with the Courts open to them, it is marvelous that they stood by and witnessed this destruction without an effort to prevent it. Such conduct is only consistent with the theory that they themselves believed that the acts now complained of were not a violation of the State's covenants, but what the lawyers term *damnum absque injuria*; that is, a loss without an injury—a loss for which neither the State nor any other person is responsible.

My apology for the length of this presentation is, that the press of New York and London have been used to give currency to the imputation that Indiana, in refusing to charge these canal

stocks upon her treasury, is guilty of repudiation, and it seemed proper that the public should be informed, through some official channel, of the views entertained by our people, together with the grounds upon which they are based.

Before dismissing the subject, I earnestly recommend the passage of a joint resolution proposing an amendment to the Constitution, so as to declare that no act of legislation shall ever take effect, or become a law of this State, whereby said canal stocks, or any part thereof, shall be recognized as a debt of the State, or charged upon the Treasury thereof, by way of redeeming said canal or otherwise, until such act of legislation shall have been submitted to, and ratified by, the qualified electors of this State, at a special election to be held for that purpose, in pursuance of law, a majority of the votes cast at such election to be necessary to effect the ratification.

#### SINKING FUND.

The report of the Auditor of State shows the condition of the Sinking Fund to be as follows :

Money on hand.....	\$550,916 80
Amount secured to the fund by notes and mortgages.....	206,941 25
Due from State for stocks redeemed with the fund, for which no bond has been issued to the School Fund by the State.....	135,366 67
Due from the State for advance to the Southern Prison, to repair the damages done by fire.....	12,000 00
Due from the State, to complete Supreme Court Room, etc.....	6,802 30
Total .....	<u>\$912,027 64</u>

From which deduct amount in the fund belonging to owners of mortgaged property sold, the sales being in excess of amounts due.....	\$4,114 10
Net balance of moneys and effects in the hands of the Auditor.....	\$907,912 04

I recommend that the amount due to the fund for State stocks redeemed, be secured by a non-negotiable bond from the State to the School Fund; that the other small sums from due the

State, be immediately refunded to the Sinking Fund, by an appropriation for that purpose; and that the moneys on hand, and the uncollected securities, as fast as realized, be invested in the registered interest bearing bonds of the United States, so that the fund may be made productive, and the income thereof distributed for common school purposes.

The wisdom of making the Auditor, instead of the Treasurer of the State, the treasurer of this particular fund, is not very apparent, and I hope the fund may be transferred to the Treasury, and its prompt investment secured by proper enactments.

#### WAR CLAIMS AGAINST THE GOVERNMENT.

When the condition of these claims was reported two years ago, the tenth installment thereof, amounting to \$125,721.80, had not been passed upon by the Treasury Department. On the 8th day of December, 1869, I received a draft or warrant from the Treasurer of the United States, payable to my order in my official capacity, for \$41,412.15, allowed on this installment, which I, on the same day, paid into the State Treasury, and received a quietus for that amount. The items constituting the residue of the installment were either disallowed or suspended for further explanation or proof.

In the latter part of April, 1870, I succeeded in having the papers and proofs prepared necessary for the presentation of an additional claim, designated as the Twelfth Installment, for moneys advanced for the purchase of horses in 1861 for the military service of the United States, and amounting as presented to \$35,282.12.

As the papers and forms of proof of this installment had been prepared by Gen. W. H. H. Terrell, during his service as Adjutant General of this State, and as he understood and could explain the items constituting the claim better than any other person, I sent all the papers to him at Washington, and requested him to present and prosecute the claim in the Treasury Department, assuring him that the State would pay him a reasonable compensation for his services. The claim was accordingly presented by Gen. Terrell, and on the 21st day of September, 1870, I received a draft from the Treasury of the United States for \$23,255, payable to my order in my official capacity, and immedi-

ately paid the same into the State Treasury, and received a quietus for the amount.

The items constituting the residue of this installment were either disallowed, or suspended for further explanation and proof.

The Eleventh Installment of our war claims was for moneys expended by the State in equipping and subsisting State troops belonging to the Indiana Legion, while in actual service, upon the call of the Governor, during the rebellion. Under the Act of Congress of March 29, 1867, Hon. John Broadhead, Hon. R. Flint, and Col. W. R. Kinney, were appointed Commissioners to ascertain the amount expended by this State in enrolling, equipping, subsisting, transporting and paying such State forces as were called into service in this State after the first day of January, 1862, to act in concert with the United States forces in suppressing the rebellion. Said Commissioners met at Indianapolis in March, 1869, and did not complete their labors till the latter part of September or the beginning of October of the same year, at which time they made a report awarding to the State \$481,178.24, for moneys expended for the purposes contemplated by said Act of Congress. Of the amount thus awarded, the Treasury Department allowed the sum of \$464,923.24, and in June, 1870, I received from the Treasurer of the United States a draft for that amount, which was immediately applied, through the Board of State Debt Sinking Fund Commissioners, to the redemption of the outstanding foreign indebtedness of the State, as stated in a former part of this communication.

The sums received from the Government since the report contained in the message delivered at the opening of the General Assembly two years ago, amount in the aggregate to \$529,690.39, as follows, viz.:

On Tenth Installment .....	\$ 41,412 15
On Eleventh Installment.....	464,923 24
On Twelfth Installment .....	23,255 00
Total.....	<hr/> \$529,690 39

The Eighth Installment, amounting as presented, to \$606,979,-41, can not be heard or adjusted by the Treasury Department until there is additional legislation authorizing it. There is a

bill pending in the Senate of the United States which, if it shall become the law, will provide for the auditing of the claim. This claim is chiefly for interest paid by the State on her War Loan Bonds, issued for money borrowed to aid in the suppression of the rebellion. I feel assured that in the suspended and disallowed items of the different installments, there are very considerable sums that are justly due to the State, the allowance of which might be obtained by furnishing such additional proofs and explanations as might be procured or made. It is, however, so difficult to procure an efficient prosecution of such claims without promising a large compensation for the service, that I prefer that the General Assembly should act in the matter, rather than to assume the responsibility myself.

#### TAXATION OF RAILROADS.

At the last Special Session, I called attention in a message, which will be found at page 122 of the Senate Journal, and at page 174 of the House Journal, to some very glaring defects in the present law for the assessment and taxation of railroads, through which great injustice is done to the State and to the owners of other kinds of property subject to taxation.

I now respectfully call attention to that communication, and renew the recommendations made therein.

#### TAXATION OF BANK STOCK.

I repeat the recommendation made at the opening of the last General Assembly, that provision be made for taxing the shares of stock in the National and other banks, for municipal purposes, as other property is taxable.

The opinions then expressed as to the power and duty of thus legislating remain unchanged.

#### ASSESSMENT, EQUALIZATION AND COLLECTION OF TAXES.

The entire taxable property of the State for the year 1868, as it appeared on the duplicates, was \$591,979,964.00. Under the operation of the new appraisement of real estate made in 1869, if we treat the proceedings of the State Board of Equalization as binding, the duplicates of 1869 ought to have shown the aggregate amount of the taxable property of the State to be



\$671,220,945.00, or an increase of \$79,240,981.00. If all this increase had been carried on the duplicates, it is safe to say, that even then the figures would not represent one-half of the real value of all the property that is taxable under our laws. The law requires property to be valued at its true cash value. This language as applied to the appraisement of real estate for taxation is construed to mean the sum that the property would command in gold at a forced sale, and by this construction the appraisement is reduced to less than one-half and in many instances to less than one-third of the amount that the owner would be willing to take for the property or than a prudent man desiring to purchase would give for it. There seems also in many cases to be a rivalry, not only between individuals, but between the officers of different counties to depreciate the value of their taxables on the duplicates. County officials take it for granted that the real estate in other counties will be appraised greatly below its true value; and, upon this assumption, justify themselves in making a grossly insufficient appraisement as an act of necessary self-defense to prevent an excessive contribution to the common burthens. Nor does the evil stop here: The man whose taxables consists chiefly of personal property, justifies himself in returning to the assessor one-third part of the value thereof, because he sees that his neighbor's acres and town lots are valued by a similar standard. The practical effect of this is to depreciate the wealth and importance of Indiana in comparison with other States, and the tendency is to keep immigration and capital from the State. Worse than all this, however, is the fact that such practices are inimical to public and private virtue, and give official sanction to fraud and falsehood.

I recommend that in imitation of the assessment laws of Michigan, an amendment shall be passed declaring that the words "cash value," as applied to the appraisement of property for taxation, shall mean the usual selling price at the place where the property is at the time of assessment, not a forced sale, but at private sale. I trust that you will be able to devise some remedy to prevent the demoralizing practice of counties and individuals competing with each other in the valuation of their taxables at rates grossly disproportioned to their real value.

The action of the State Board in equalizing the appraisement of real estate has been disregarded in many if not all of the counties in which a per centum was directed to be added to the

appraisement as left by the District Boards; but, when a deduction was directed to be made, the County Auditors, as a general rule, have not been slow to execute the order in making out the duplicates. By this failure to comply with the action of the State Board, and by unauthorized deductions not directed by that Board, the total value of all the taxable property of the State, as it stands on the duplicates, is reduced more than fifteen millions of dollars below what it would have been if the action of the State Board had been carried out, and no such unauthorized deductions had been made.

\* At the last special session, the attention of some of the members of each House was called to the fact that, by the change in the boundaries of the Congressional Districts, the law as to the places of the meetings of the District Boards of Equalization in seven of the Congressional Districts had become impossible of execution, as the statute required each District Board to meet within the district, and at a place designated; and this designated place had, by the change in the apportionment, been placed without the district to which it formerly belonged.

A bill passed the Senate to remedy the difficulty, but was not acted upon in the House. The Auditor of State, by advice of the Attorney General, designated the places of meeting of the District Boards in the seven districts in which the law had become impossible of execution. The Auditor of Marion County, in making the duplicate of 1869, having failed to recognize the action of the State Board in directing an increased per centum to be added to the appraised value of the real estate of that county, the Attorney General, on the relation of the Auditor of State, commenced a proceeding in the Marion Civil Circuit Court to compel the Auditor of Marion county to comply with the order of the State Board of Equalization.

The question was presented on its merits, two points being made in resisting the issuing of a mandate, viz.:

1st. That the District Boards met at unauthorized places, and therefore were illegal bodies and could not appoint delegates to the State Board, and that the State Board having been composed of delegates, a majority of whom were thus appointed, it also was an illegal body, and its acts were void.

2d. That the session of the State Board was, by the statute, limited to ten days; that its meetings were continued beyond the time limited, and that the order of equalization was made

on the twelfth day after that on which the Board met and organized.

The Circuit Court refused the mandate, and, although the case was prepared for the Supreme Court, by a reservation of the proper exceptions, no appeal has been taken—Attorney General Williamson having, as I am informed, come to the conclusion that the judgment of the Court below, in refusing the mandate, could not be reversed.

After examining the question with some care, my own opinion is, that the objections made to the District Boards—though purely technical—are yet good technical objections; and that the remedy for the evil is not by appeal, but by curative legislation. The necessity for such legislation is clear; for, if the State Board was an illegal body, so also were the District Boards; and yet, the action of the District Boards has been carried out by some of the County Auditors who repudiate that of the State Board.

I have caused a tabular statement to be carefully compiled from the report of the Auditor of State for the year 1869, arranged by counties in alphabetical order, showing in separate columns what the aggregate value of the real estate and improvements would have been in each county, if the action of the State Board had been carried forward to the duplicates; what it is as actually entered on the duplicates of 1869, with the increase or decrease occasioned by the failure to follow the orders of the Board.

By this statement it will be seen that, in some counties, after deducting the per centum authorized by the State Board, large additional deductions have also been made.

I will cheerfully furnish copies of said tabular statement to the committees to which the subject may be given in charge, it being too extended to make it a part of this communication.

In view of what has been said, I respectfully recommend that the meetings, organization, and proceedings of the District Boards be legalized; that the proceedings of the State Board be thoroughly revised by a joint committee, representing all parts of the State; and, so far as these proceedings may be found to be just and equitable, let them be affirmed; and, so far as they are found to be otherwise, let the appraisements be so altered as to make them conform to a just standard; and when the equalization is completed by the committee, and approved by both Houses, let it be made effectual by the proper enactments.

I further recommend that provision be made that future appraisements of real estate for taxation, shall not become effectual until they are submitted to, and revised and affirmed by the General Assembly, at the first regular meeting thereof, after the making of such appraisements; and providing, also, that if any County Auditor shall fail to conform to such appraisement after it has thus been affirmed, he may be proceeded against by action on his bond, or by a proceeding for a mandate in the Courts of Marion county. Whenever the interests of the State are injuriously effected by the official negligence, or official misconduct of a county officer, such county officer should, in my judgment, be liable to an action in some Court at the Capitol of the State. The existence of such liability would prevent the delinquencies that are now so common.

Something should also be done to prevent the return of such large delinquent lists. Our delinquent list compares very unfavorably with those of other States; partly, because men are returned as delinquent, from whom the taxes could be made, if the proper time was allowed, and the proper effort made to collect; and, partly, because delinquencies are carried on the duplicates long after the possibility of their collection has ceased.

Provision of some kind should be made for purging the duplicates of this worse than useless matter, the placing of which on the tax rolls, adds considerably to the county expenses, and gives a more unfavorable opinion of the willingness and ability of our people to pay their taxes, than the truth would justify.

#### EDUCATION.

The report of the Superintendent of Public Instruction affords gratifying evidence of the progress of popular education throughout the State. The common schools are continually growing in public favor, and were never so efficient as they now are in training our children for the high duties of American citizenship. I am sure they will continue to deserve and receive the fostering care of the General Assembly.

As the State school tax, as well as the income of the Common School Fund, is distributed among the several counties, according to the number of children in each, it is highly important that the enumeration upon which this distribution is based, should be free from the least suspicion of unfairness or inaccu-

rary. To this end the law should be so amended as to require not only the names of parents, guardians, and heads of families, to appear in the list, as is now the case, but the names of the children belonging to each family, (which is not now required,) should also be given; and after the County Examiner has reported the enumeration to the Superintendent of Public Instruction, the original enumeration papers should be required to be filed in the office of the County Auditor, to be preserved, and to be open to public inspection. Authority should also be given to the Superintendent of Public Instruction to cause the enumerations to be revised, and, if found to be inaccurate, corrected before making the distribution; and, also, to equalize, in making subsequent distributions, within a reasonable time, to be prescribed by statute, any inequitable distributions which may have been made on an incorrect enumeration. Severe penalties should also be provided for official malfeasance in making the enumerations.

My attention has been called to the fact that some Township Trustees, instead of keeping the school moneys in their hands separate from the township funds, confuse the moneys and accounts, whereby school funds are applied to roads and other township purposes, to the temporary injury or permanent loss of the schools.

Such practices should be prohibited under proper penalties by plain statutory enactments, to be published as a part of the school law, and placed in the hands of every Township Trustee.

#### STATE UNIVERSITY.

The State University has greatly enlarged the sphere of its usefulness in consequence of the liberality of the last General Assembly, as well as the one preceding it. I commend the institution to a continuance of the favorable consideration of the General Assembly.

#### AGRICULTURAL COLLEGE.

In pursuance of the Act of May 6th, 1869, the College contemplated by the Act of Congress of July 2d, 1862, was in 1869 located in Tippecanoe county, on a tract of land containing one hundred acres, donated for that purpose, and situated on the

west side of the Wabash river, about one mile and a half from the city of Lafayette. Mr. Purdue gave his bond to the State for the payment of the donation of \$150,000 offered by him, the same being payable in annual installments, in pursuance of his original proposition. The Board of Trustees of the institution, in accordance with the provision of said Act of May 6th, 1869, have assumed as their corporate style the name of "The Trustees of Purdue University." For the condition of the funds of the institution and other information pertaining thereto, I respectfully refer you to the report of the Secretary and Treasurer of the institution, herewith submitted.

By the Act of May 5th, 1865, the Governor is made a member and President of the Board of Trustees. The land scrip having been disposed of, and the money safely invested and the College being located, no sufficient reason, in my judgment, now exists for the continuance of the Governor as a member of the Board. I therefore recommend the passage of an amendment providing for the appointment of an additional trustee, and relieving the Governor from serving as a member of the Board.

#### NORMAL SCHOOL.

I have received no report from the officers of the State Normal School, and therefore have no definite information concerning its progress, condition or wants. I believe it is doing a good work, and is a necessary and important part of our common school system. To extend its benefits to those who ought to enjoy them, it would seem to be necessary that some plan should be devised whereby the cost of living to those who attend its sessions from other parts of the State should be diminished.

#### BENEVOLENT INSTITUTIONS.

##### INSTITUTE FOR THE BLIND.

The Indiana Institute for the Education of the Blind, is, in the language of the report of its trustees, "enjoying a high degree of prosperity, and doing its work well and to the credit of the State." To enable the Institution, however, to do all the work which ought to be done, it must be enlarged. There was a pressing necessity for such enlargement two years ago, but the

officers of the Institution, in consequence of the appropriations required by the Hospital for the Insane and the Institution for the Deaf and Dumb, deferred urging an appropriation for that purpose until now. For the extension of the Institute building, and for other improvements mentioned in the report of the Superintendent, it is estimated that the sum of \$65,000 will be required. I earnestly recommend that the sum above named may be appropriated for the extension and improvements required.

#### HOSPITAL FOR THE INSANE.

I cordially commend to your attentive consideration, the able and instructive report of the Superintendent of the Hospital for the Insane. The capacity of the Institution has been largely increased, so that there is now room for 520 inmates. It is susceptible of a comparatively small additional increase of capacity by enlarging the south wing. Apart from the fact it may be safely estimated that not more than one-third of the insane of the State who ought to receive the care and treatment of such an institution are now provided for, it would seem that the Institution should be thus enlarged to equalize its capacity for the reception of patients of both sexes, the number of applicants for admission of each being about equal. If the south wing shall be thus enlarged, the capacity of the Hospital will then have reached a limit beyond which it would not be wise to extend it, but instead thereof, provision should be made for the erection of another Institution at some other point in the State.

It may be a question whether this should be attempted before making some provision for the care of the idiotic, and for the education of idiotic children. My impression, however, is that the sufferings of the insane still unprovided for are more severe, and that their condition more urgently demands speedy relief than the other unfortunate class to whom allusion is above made. I invite your consideration to the necessities of both these classes of unfortunates, in the hope that you will provide such relief, at the earliest practical period, as the claims of humanity demand and the ability of the State will justify.

It will be perceived by the report of the Trustees and Superintendent of the Hospital that the appropriations made at the last session of the General Assembly are insufficient to defray

the current expenses of the Institution to the 31st day of March, 1871, which is the end of the fiscal year of the Hospital. I recommend that this deficit be immediately supplied by an appropriation so that the officers of the Institution may not labor under the disadvantage of having to make their purchases on credit until the passage of the General Appropriation Bill, at or near the close of the session.

I also ask that the amount necessary to pay for the water works furnished for the Institution, and now in successful operation, may be appropriated without delay.

I invite your favorable consideration to what is said by the Trustees and Superintendent in their reports as to the necessity of more liberal estimates for subsistence in making appropriations for the current expenses of the Institution.

#### DEAF AND DUMB.

The Institution for the education of the deaf and dumb not only successfully continues to perform the beneficent work for which it was established, but, through the liberality of the last General Assembly in providing for its enlargement, the sphere of its usefulness has been greatly increased and extended. The contemplated extension of the building having been completed, the capacity of the Institution is now believed to be sufficient for the accommodation of those entitled to its benefits for years to come. After the new building was completed and ready for being fitted up and furnished, the sum of \$10,924 was drawn from the Treasury of the State on the application of the Trustees and Superintendent, and applied to fitting and furnishing the enlargement under an express authority given for that purpose in the organic law of the Institution. By reason of the enlargement, the present school year commenced and continues with a larger number of pupils than was estimated for when the appropriation for current expenses was made two years ago, and consequently there will be a deficit of \$7,000, which sum I hope will be appropriated without delay, so that the current expenses of the Institution to the end of its fiscal year, March 31, 1871, may be provided for, and the necessity and disadvantage of making purchases on credit may be avoided.



## SOLDIERS' HOME.

I commend the Soldiers' and Seamen's Home at Knightstown, and especially the Orphans' Department thereof, to your especial consideration, with an expression of the hope that it may receive a more liberal support at your hands than has hitherto been accorded. Thus far it seems to have been reluctantly admitted into the family of our benevolent institutions, and it has appeared to be more difficult to get appropriations for its support than for any kindred institution. For my own part, I know of no class of the meritorious unfortunates who are entitled to a fuller measure of the sympathy and care of a benevolent and patriotic people than the scarred veterans' and soldiers' orphans now in the "Home" at Knightstown. The amount heretofore allowed for the current expenses of the Institution has been insufficient, and this year again the Commissioners have been compelled to borrow \$5,000 to enable them to meet the necessary current expenses. I believe that the affairs of the Institution have been managed with marked judgment and economy, and trust that the provision for its support may be as liberal in proportion to its necessities as that made for any of the other benevolent institutions of the State.

## THE STATE BOARD OF AGRICULTURE AND STATE GEOLOGIST.

It may well be doubted whether any act of legislation has been adopted by this State for many years which will prove so potent in developing the latent resources of the State, and in directing attention to our mineral wealth and manufacturing advantages as that of March 7, 1869, providing for the establishment of a Department of Geology and Natural Science in connection with the State Board of Agriculture. On the 22d day of March, 1869, I appointed Professor Edward T. Cox to the office of State Geologist, created by that act, and soon after he established himself at Indianapolis and entered upon the duties of his office. The act required him to make a survey, from time to time, of a portion of the State, in order to be able to complete a thorough geological survey of the State, as soon as consistent with his other duties, as defined by the act. With the small appropriation made, and the little assistance he was able to employ, it was impracticable for the Geologist to extend his

labors over a very large scope of country, unless he disregarded that thoroughness which is essential to the attainment of valuable results. He selected, as the chief field of his operations, that portion of the State which previous partial surveys had designated as the region whose development would be of the greatest immediate practical value to the entire State, in attracting both labor and capital to and within our borders. I have received letters from highly respectable gentlemen of different counties of the Northern as well as the Southern portions of the State, complaining of the neglect which their respective localities had suffered at the hands of the State Geologist, but I am satisfied that the course he pursued was the wisest and best, considering the means at his command and the circumstances by which he was surrounded.

I recommend that a reasonable addition be made to the salary of the Geologist, and that increased means be placed at the disposal of the State Board of Agriculture for the support of its Geological and Scientific Department, so that assistant geologists may, at the earliest practical period, be put in the field to hasten the completion of a survey of the entire State, and to avoid any suspicion that mere local interests are sought to be promoted. The developments already made, demonstrate that in the black coal of this State our people possess a mine of wealth that is practically inexhaustible. Covering a strip of territory averaging three miles in width, it exists in workable veins from the Ohio river to Warren county, a distance of one hundred and fifty miles. The fact that this coal can be taken directly from the mine to the furnace and used for smelting purposes without coking, producing as good, if not better, iron than that made from the same ore with charcoal, gives Indiana advantages for manufacturing purposes that can hardly be exaggerated.

If practical experience shall affirm, as I believe it will, the correctness of the opinion so confidently entertained by Professor Cox, that the iron made at the furnaces in Clay county will make as good Bessemer steel as the imported iron now almost exclusively used for that purpose, our facilities for the production of steel rails must be of incalculable value.

#### COURTS.

I respectfully refer you to the message delivered two years ago

for my views in relation to our judiciary, and wish to be understood as repeating the recommendations then made. Since then the Supreme Court has decided that the Criminal Courts established in some of the more populous counties are not Circuit Courts, but that they have a legal existence as inferior Courts. This being so, their names should be changed, and the harmony of our Circuit Court system should be restored by the proper amendatory enactments.

I fully concur in the opinion so generally expressed by the judges and lawyers, that provision should be made for the addition of a fifth judge to the bench of the Supreme Court.

I herewith respectfully submit a copy of the memorial adopted at a meeting of the bench and bar, held at Indianapolis on the 30th day of November last, on this subject, the same having been presented to me by the committee having the matter in charge, with the request that I would lay the same before you.

The statute passed at the last session requiring the salaries of the judges and prosecuting attorneys of the criminal courts to be paid out of the county treasuries, is wrong in principle and ought to be repealed. If these courts are not necessary to the effectual and prompt prosecution of the pleas of the State, they ought to be abolished; if they are necessary, the salaries of the judges and prosecutors ought to be paid out of the common treasury.

#### DECEDENTS' ESTATES.

Some additional legislation is, in my judgment, necessary in relation to decedents' estates, for the attainment of the following object, viz.:

1st. To prevent small estates from being absorbed by the costs and expenses of administration, by providing for their settlement through the instrumentality of a public administrator, without charge to the estate, or by dispensing with administration altogether.

2d. To enlarge the amount allowed to widows out of the estates of their deceased husbands free from the claims of creditors.

3d. To make a similar exemption in favor of the decedents' infant children of tender years left unprovided for by his or her death.

I also believe that provision might with propriety be made to dispense with administration in all cases where those interested in the estate shall give undoubted security for the payment of the debts thereof within a reasonable time, to be prescribed by statute.

I make these suggestions without going into detail, feeling assured that if the objects named shall meet your approval, there will be no difficulty in giving the recommendations practical effect.

#### CRIMINAL LAW AND PRACTICE.

I also refer to the views expressed two years ago on the subject of the amendment of our Criminal Code, and the reformation of the practice in criminal prosecutions. The views then expressed on these subjects are still entertained. I especially suggest that the brutal crime of prize fighting has not yet been denounced as a felony by our law.

#### COUNTY REFORM.

There is an unmistakeable popular demand for reform in the administration of county affairs, and for the reduction of the fees of county officers, especially in the wealthy and more populous counties. Under the constitutional provision preventing local or special legislation on the subject of fees and salaries, it is generally understood that compensation for official services can not be graduated according to population. This may render it difficult to devise a fee bill that will, in all cases, be just both to the public and to the office-holder. But this difficulty need not, and should not, prevent an effort being made, and successfully made to accomplish the result.

#### A NEW STATE HOUSE.

I recommend that provision be made for the immediate acquisition of all the property not now owned by the State, situated between Tennessee and Mississippi streets and between Market and Ohio streets, and for vacating Market street, so far as it forms the northern boundary of the State House Square, and for vacating the alley which bounds the arsenal lot on the north, to the end that the property now owned by the State, and that so

proposed to be acquired, may be used as a site for a new State House whenever it shall be deemed expedient to build one. The building of a new State Capitol can not long be deferred, and now is the proper time to secure the proper site without a large outlay for that purpose. The site proposed would embrace about nine acres.

#### REFORMATORIES.

The reports of the House of Refuge and Reformatory for Women and Girls not having been received until after the preparation of this communication, I shall ask permission to present to you hereafter, in a special message, whatever I may deem it necessary to say concerning those institutions.

#### OUR DIVORCE LAWS.

The laws of this State regulating the granting of divorces, and especially the lax manner in which they have been administered in some of our courts, has given Indiana a notoriety that is by no means enviable. Some of the reproach that has been cast upon the State in this connection is doubtless undeserved; but a candid review of our laws and their practical operation on this important subject will, it is believed, satisfy any impartial mind that a reformation is imperatively demanded.

The causes for which divorces may be granted under the existing statutes are as follows, viz.:

First. Adultery.

Second. Impotency.

Third. Abandonment for one year.

Fourth. Cruel treatment of one party by the other.

Fifth. Habitual drunkenness of either party.

Sixth. The conviction, subsequent to the marriage, in any country, of either party, of an infamous crime.

Seventh. Any other cause for which the court shall deem it proper that a divorce should be granted.

It is not my purpose to urge any objection to either of the six specific causes of divorce above enumerated, except to say that the phrase "cruel treatment," which constitutes the fourth cause, has been so liberally construed in favor of applicants for divorces by some of our courts, as to render necessary, in my

judgment, a return to the more positive language of the statute of 1843, which required the treatment to be "cruel and inhuman." The great objection to our statute is, however, the discretionary clause already quoted, allowing a court to grant a divorce for any cause that the judge may deem sufficient.

This clause, which pretends to lay down a rule for the government of human affairs in the most important relation of life, is at war with the fundamental idea and elementary definition of law. Law is a prescribed rule of civil conduct. This statute prescribes no rule, the observance of which shall save, or the violation of which shall forfeit conjugal rights. Under this clause the question, what is or is not a sufficient cause for a divorce, instead of being determined by a general rule is measured by no rule at all, and the standard of judgment, instead of being prescribed so that it may be known and read of all men, remains locked up in the mind of the judge until he pronounces judgment between the parties in the case before him. It is worse than delegating legislative powers to the judiciary—for it authorizes the judge to make his own judgment of what the law ought to be, the rule of decision in each case, as it arises, without any previous intimation of the standard or rule by which the rights of the parties are to be measured. The constitution prohibits special legislation on the subject of granting divorces, but under this discretionary clause, causes of divorce vary in the several judicial circuits and districts, with the diversified mental and moral peculiarities of the judges. Objectionable as the statute is which regulates the causes for which divorces may be granted, the law governing the practice in divorce cases is worse.

The facility with which citizens of other States, after a pretended residence in this, can and do procure divorces in our courts, and then return to their homes from which they fled for that very purpose, is a reproach to the civilization of the age, and a breach of that comity which should be scrupulously observed between sister States of the same great republican family. Under the present statute a divorce may be obtained in this State where both the plaintiff and the defendant, at the time of the rendition of the decree, are resident citizens of another State. True, the applicant must have been a resident of the county in which he commences suit at the date of the filing of his petition, and he must have been a resident of the State for

one year prior to that time, but the year having elapsed, and the petition being filed, his residence may then cease, he may return to the State from which he came, and his application for a divorce will be none the less successful by reason of his departure. Such a statute must be highly appreciated by divorce seekers from other States, who can not afford to keep up the appearance of a residence in this for more than one year, but it is not calculated to give citizens of Indiana a very exalted idea of the righteousness or wisdom of the legislation of their own State. Even permanent residents of our own State, who apply for divorces, are favored by our practice above plaintiffs in other actions. The defendant in every other action purely personal, if a resident of the State, must be sued in the county of his residence, but in divorce cases, the applicant has the right to sue in the county in which he resides, and he can change his residence to attain success abroad, when failure would be certain at home.

I therefore recommend that the clause of the statute which authorizes divorces for any cause that the court may deem sufficient, be repealed, and that the clause making cruel treatment a good cause of divorce be so amended as to require the treatment to be cruel and inhuman, or cruel and barbarous. I further recommend that the practice in divorce cases be so amended as to embrace the following provisions, viz.:

1st. Requiring the defendant, when a resident of the State, to be sued in the county of his or her residence.

2d. Requiring the plaintiff not only to have been a resident of the State for one year prior to the filing of his petition, but that he should continue to reside in the State during the pendency of the suit and until the case is tried.

3d. Vesting in the Circuit Courts exclusive jurisdiction of applications for divorce.

4th. Requiring the petition in every divorce case to show where the causes of divorce relied on happened or accrued, and where the applicant resided at the time, and if they happened or accrued elsewhere than in this State, and at a time when the plaintiff was not a resident of this State, that no divorce shall be granted unless it be alleged in the petition and proved on the trial that the matters so relied upon would be a good cause of divorce by the laws of the State, place or jurisdiction within which the same happened or accrued.

5th. Requiring the allegations as to the place where the cause

or causes of divorce relied upon accrued, and the place of residence of the plaintiff at the time of their accruing, to be verified by affidavit appended to the petition, and also to be proved on the trial.

With such amendments as these we might well hope that Indiana divorces would soon cease to be advertised in any of the Atlantic cities as marketable commodities, and that refugees and fugitives from the justice of other States would no longer come to Indiana in quest of divorces, to be used on their return to their homes as licenses to violate the laws of our sister States.

#### STATE PRISONS.

So far as I am informed, the State Prisons are well managed and in a satisfactory condition. The financial success of the present administration of the Northern Prison in making it self-sustaining, without disregarding or neglecting the physical, moral or intellectual interests of the prisoners, is worthy of the highest commendation.

The moral reformation that has been wrought in the affairs of the State Prison, south, since the commencement of the administration of the present Warden, has merited all the praise that has been so generously bestowed upon it.

It is deeply to be regretted that under our system of officering these institutions, the administration of their affairs is so liable to be changed with the mutations of political parties. Wisdom would dictate that considerable permanency of administration, coupled with a rigid responsibility on the part of those having the management of such institutions, should prevail; our policy is just the reverse of this. It is frequent change of administration, with no liability to have the affairs of the prisons inspected or the officers thereof called to an account, except during the sixty-one days, in every period of two years, when the General Assembly is in session.

I call your attention to the fact that there are insane prisoners in one, or perhaps both, of our prisons, and some of these are dangerous to the other prisoners, for the want of proper facilities for their care and treatment. Experience has shown, in Ohio and other States, that it is unwise to transfer such prisoners to the Insane Hospital, as placing those convicted of crime among the other insane patients has a bad influence on the latter, and



the treatment which the insane prisoners receive from the other inmates of the Hospital, is not such as to promote their recovery. In addition to this, the Hospital is not sufficiently strong for such patients without preparing a ward expressly for their accommodation. I therefore recommend that a ward be constructed within the walls of the Northern Prison expressly for insane prisoners, and that provision be made for the transfer, from time to time, as occasion may require, of all insane prisoners in either of the prisons to such ward.

I invite your attention to the statements in the reports of the Directors and Warden of the Southern Prison in relation to the fire that occurred in April last and the money advanced to repair the damage done to the prison by the fire. The amount advanced was \$12,000, and it was furnished by the Auditor of State out of the uninvested money of the Sinking fund in his hands. There is consequently no liability for interest, unless you see proper to provide for the payment of interest to the School Fund for the use of the money.

I have already, in speaking of the Sinking Fund, recommended that an appropriation be made without delay, to reimburse that fund to the amount thus borrowed.

I desire here to suggest that there ought to be a definite policy established by law as to the insurance of the buildings belonging to the various State institutions. There should be a uniform practice in this respect to insure all State buildings connected with the benevolent institutions, prisons and reformatories, or to insure none of them. As it now is, there is a partial insurance on some and none at all on others. The true policy, in my judgment, would be for the State to be the insurer of its own buildings without exception; that this policy would be profitable in the long run I have no doubt; but with it should be coupled the power, in the event of a loss by fire, to the executive officers of the State to draw from the treasury of the State, under proper restrictions and limitations to be prescribed by law, a sufficient sum of money to repair the injury done. As the matter now stands, the General Assembly must in such case be convened in special session, at an expense to the State, greater, as a general rule, than the sum necessary to be appropriated, or the Governor or some other officer must take the responsibility of obtaining and applying the necessary amount without authority of law.

I commend to your careful consideration the propriety of pondering the question, whether it will not soon be necessary to abandon the Southern Prison, and establish in lieu thereof, at some central point in the State, a prison intermediate between the House of Refuge and the Penitentiary, with a view to the gradation of our reformatory and penal institutions, as well as to a classification of prisoners. The prison at Michigan City might be made to accommodate all the prisoners that would for some years be sent to a prison of that class if we had an intermediate prison. Its location in one of the extremes of the State is an objection to the policy of having but one prison of its class for the entire State, but I do not think this objection is insuperable. The prison at Jeffersonville is in such a condition that it will require a large amount to keep it in even tolerable repair, and then it seems cruel to perpetuate the policy of keeping human beings, though they be convicted criminals, in cells seven feet long, seven feet high, and three and a half feet wide, with no ventilating flues, and no possibility of getting fresh air except through the grating of the cell doors. If the contract system is to be continued, and I do not see how to do otherwise at present, the law itself should contain such provisions as will give the directors and warden full control, and enable them to terminate the contracts whenever the interests of the State may require it. As the matter now is, the rights of the State depend very much on the skill, or want of skill, with which the contracts for the labor of the prisoners are drawn.

#### SUPERVISORY BOARD.

I earnestly recommend that a Supervisory Board, to have jurisdiction over all the State institutions, benevolent, penal and reformatory, be established. Its powers of visitation and inspection ought to be ample, and it should also possess the power to suspend or remove officers connected with the institutions under its care; or the last named power might be given to the Executive, to be exercised only upon the recommendation of such Board. As women and girls are inmates of our benevolent institutions, and will be in the new Reformatory, I deem it highly important that the members of such board of supervision should be composed, in part, of women.

## PARDONS AND REMISSIONS.

I herewith respectfully submit, pursuant to the requirements of the constitution, a report showing all the reprieves, commutations and pardons granted, and another showing all the fines and forfeitures remitted since the previous report made to the last General Assembly.

## CONCLUSION.

In conclusion, I desire to add my hearty amen to the invocation of the Divine blessing upon your labors with which this joint convention was opened, and to assure you of my cordial co-operation in all your efforts to elevate and improve the condition of the people, and to diversify the industries and develop the resources of the State.

CONRAD BAKER.

The business for which the joint convention was convened having been concluded, the President of the Senate declared it adjourned.

Mr. Neff moved that the joint resolution, providing for a joint convention for the purpose of electing certain State officers, be made the special order for Monday at three o'clock P. M.

Which was agreed to.

Mr. Simpson moved that when the House adjourns, that it adjourn to meet on Monday, January 9, at two o'clock P. M.

Which was agreed to; when,

On motion of Mr. Williams,

The House adjourned.

## MONDAY AFTERNOON.

JANUARY 9th, 1871, 2 o'clock P. M.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Moran.

Mr. Martin of Putnam presented the credentials of Mr. George W. Friedley, the member elect from the county of Lawrence, who appeared at the bar of the House, and was sworn in by Judge Buskirk, one of the Judges of the Supreme Court.

On motion,

Leave of absence was granted to Mr. Weekly for the afternoon, to enable him to attend a meeting of the committee on elections.

The Journal of Friday was read in part, when,

Upon motion,

The further reading of the Journal was dispensed with.

The Speaker laid before the House the following communication from the Governor, enclosing a petition memorializing the Congress of the United States in favor of the granting of pensions to the survivors of the war of 1812:

## STATE OF INDIANA,

## EXECUTIVE DEPARTMENT,

Indianapolis, January 9, 1871.

*To the Honorable, the Speaker of the House of Representatives:*

SIR: At the request of the committee having the matter in charge, I have the honor to transmit herewith, for the consideration of the House of Representatives, a printed copy of a petition on behalf of the surviving soldiers of the war of 1812, praying for the passage of a joint resolution in favor of a bill which passed the House of Representatives of the United States at the last session of

Congress, and is now pending in the Senate of the United States, providing for granting pensions to said surviving soldiers. The original petition is transmitted to the Senate. I desire to be considered as cordially joining the petitioners in soliciting the passage of a joint resolution such as is above indicated.

I have the honor to be,

Very respectfully,

Your obedient servant,

CONRAD BAKER.

The petition enclosed is as follows:

*To the Honorable Senate and House of Representatives  
of the State of Indiana, at Indianapolis:*

We, the undersigned committee, appointed December, 1869, by the soldiers of the war of 1812, at Cambridge City, Wayne county, Indiana, pray your honorable body, in behalf of the long neglected, infirm and destitute soldiers of the war of 1812, to memorialize the honorable Senate of the United States, now in session at Washington City, D. C., to pass the "House Bill" of last session, granting a pension to the soldiers of the war of 1812, and also to their widows, at their earliest possible convenience, owing to the extreme destitution of a part of those soldiers who, having spent a portion of the prime and vigor of their manhood in defense of this now prosperous and enlightened portion of our country. Your honorable body will therefore confer a great blessing upon the small remnant of those soldiers who are yet surviving, and who rendered such noble and daring service in defense of the frontier of Northern Ohio, and, as some of us know, particularly in Indiana, that it was at that time almost an entire frontier, ravaged and plundered by the Indians.

Yours, respectfully,

JOSEPH HOLMAN,

L. C. CHAMBERLAIN, Esq.,

GEN. SOLOMON MEREDITH,

Committee.

#### PETITIONERS' NAMES.

Judge John F. Kibby,  
W. W. Dudley, Clerk, W. C.  
William H. Lynde,

Judge Silas Colgrove,  
Wm. H. Study, Sheriff, W. C.,  
John Peele, Sr.,

W. Dickey,  
 William C. Fox,  
 T. B. Jones,  
 William A. Peelle,  
 James Kirk, Sr.,  
 George E. Savage,  
 R. J. Strickland,  
 And many others.

J. Prichet,  
 F. F. Baker,  
 Frank Taylor,  
 Al. H. Dickey,  
 Archibald Lytle,  
 Gilbert R. Moore,  
 John W. Gorman,

*To the Senators and Representatives  
 of the State of Indiana :*

At a meeting of the soldiers of the war of 1812, residing in the State of Indiana, convened at Cambridge City, the 22d day of December, 1869, the undersigned, Joseph Holman, L. C. Chamberlain and Gen. Solomon Meredith, were appointed a committee to draft, circulate and present a petition to Congress, asking them to grant a pension for services rendered in the war of 1812, and said petition was by us forwarded; and by the lower House passed and sent to the Senate, and for want of time, was laid over. We therefore most respectfully request the Senate and House of Representatives of Indiana to pass a resolution requesting our Senators in Congress to assist in passing said bill for a pension, as passed by the House, with such amendments as they think proper.

JOSEPH HOLMAN,  
 L. C. CHAMBERLAIN,  
 GEN. S. MEREDITH,  
 Committee.

Mr. Neff asked the unanimous consent of the House to offer the following joint resolution:

Which was agreed to.

A joint resolution in relation to the granting of pensions to the surviving soldiers of the war of 1812.

*Resolved by the General Assembly of the State of Indiana, That our Senators in Congress be and they are hereby requested and instructed to use their best efforts to procure the speedy passage of the House Bill passed by the House of Representatives at the last session of Congress, and now pending in the Senate of the United*

States, providing for the granting of pensions to the surviving soldiers of the war of 1812.

*Resolved*, That copies of this Joint Resolution duly authenticated, be transmitted by the Governor to the Vice President of the United States, and to our Senators in Congress.

Mr. Wilson moved that the resolution be put upon its passage. Which was agreed to.

The question being upon the passage of the joint resolution, the ayes and noes were taken under the constitutional rule.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Gordon of Boone,	Millikan,
Ballenger,	Gordon of Cass,	Mitchell,
Beeler,	Guthrie,	Monroe,
Biggs,	Hardin,	Montgomery,
Britton,	Hartley,	Myers,
Browning,	Hawley,	Neff,
Barnaby,	Haynes,	Netherton,
Bruner,	Henderson,	Oatley,
Butterworth,	Hendry,	Rawles,
Caldwell,	Hill,	Ray,
Calkins of Fulton,	Holland,	Rhodes,
Calkins of Porter,	Hynes,	Rice,
Cauthorn,	Kennedy,	Ruddell,
Coggsell,	King,	Sabin,
Conner,	Kirkpatrick,	Sansberry,
Copner,	Knight,	Sayers,
Cox,	Lines,	Schoeneman,
Cunningham,	Logan,	Simpson,
Defrees,	Major,	Shutt,
Deputy,	Martin of Wayne,	Stanley,
Devol,	Martin of Putnam,	Stephens,
Donham,	McDonald,	Stephenson,
Friedley,	McDowell,	St. John,
Furnas,	McFarland,	Stone,
Gallentine,	McGowan,	Strickland,
Gentry,	Minick,	Tarleton,
Goble,	Miles,	Taughinbaugh,

Taylor,	Warrum,	Wood,
Tebbs,	Williams,	Woodward,
Walker,	Wilson,	Zenor,
Washburn,	Wymer,	Mr. Speaker—93.

There being no one voting in the negative.

So the joint resolution passed.

The question being, shall the title as read, stand as the title of the joint resolution?

It was so ordered.

*Ordered*, That the Clerk inform the Senate of the passage of the joint resolution.

Mr. Wilson from the special committee on rules offered the following report:

MR. SPEAKER:

The committee to whom was referred the subject of the revision of the rules for the use of this House, submit the following report, which embodies the rules of the House adopted in 1869, as amended, corrected, and revised by your committee:

Rule 1. Strike out the first word, "He," and insert the words, "The Speaker."

Rule 2. Strike out the first word, "He," and insert the words, "Mr. Speaker," and in line two strike out the word "Representatives."

Rule 3. As in Rule 1.

Rule 7. Change in phraseology, "yes" to "aye."

Rule 12. In line two strike out the word "been," and insert the word "leave."

Rule 14. After the word "may" in line five, add "by order of those present;" in line seven strike out the word "the" before the word "officer," and insert in lieu thereof the word "such," and



strike out the words following to the word "or," and the words "to be," in the last line, and insert the words "as shall."

Strike out Rule 15, and substitute in lieu thereof the following:

"When a member shall be discharged from custody, and admitted to his seat, the House shall determine whether such discharge shall be with or without paying fees, and in like manner whether a delinquent member taken into custody by a special messenger, shall or shall not be liable to defray the expenses of such special messenger."

Strike out Rule 16.

In Rule 18, second line, strike out the word "require," and insert the word "request."

Strike out Rule 22, and insert in lieu thereof the following:

"A motion to adjourn, and a motion to fix the day to which the House shall adjourn, shall be always in order, and these motions, and the motion to lie on the table, shall be decided without debate. A motion to adjourn shall not be put whilst the question is pending on seconding the demand for the previous question. When less than a quorum is present, no motion shall be entertained, except to adjourn, or for a call of the House. No motion can be made without rising and addressing the Chair. A motion for adjournment, or for the order of the day, can not be made by one member while another is speaking. A motion which has been decided out of order can not be renewed. Motions to postpone to a day certain, to commit, or amend, may be amended, and shall have precedence in the order named.

In Rule 25, in line five, after the word "any," insert the word "other."

In Rule 33, in line four, strike out the words "and of," and insert in lieu thereof "and if the motion of reference is to."

In Rule 34, in line one, after the word "question," insert the words "before or after the main question is ordered."

In Rule 35, in line four, after the word "vote," add the following: "upon a motion to commit, if such motion shall have been made, and if this motion does not prevail then;" and in line five, after the

word "any," add the word "then." After the word "question," in line six, add the following: "but its only effect, if a motion to postpone is pending, shall be to bring the House to a vote upon such motion;" and strike out all after the said word "question," in line six, to, and including the word "question," in line ten; and in line ten, after the word "On," strike out the letter "a," and insert the word "the."

Strike out Rule 36, and insert in lieu thereof the following:

"When a motion has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof, on the same or succeeding day, and such motion shall take precedence of all other questions, except a motion to adjourn, and shall not be withdrawn after the said succeeding day without the consent of the House, and, thereafter, any member may call it up for consideration."

In Rule 37, strike out all after the word "announced," in line one, to and including the word "vote," in line three, and insert the words "and afterwards;" strike out the word "change," in line three, and insert in lieu thereof the word "effect."

In Rule 40, in line five, strike out the words "of justice." Strike out the last line.

In Rule 42, in line three, after the last word, add "and report either by bill or otherwise."

In Rule 45, after the word "committee," strike out all to the word "shall," and all after the word "leave."

In Rule 47, in line five, strike out the words "after report, the bill," and insert in lieu thereof, "when the bill is reported to the House, it." And after the word "it" in the last line add the word "shall."

In Rule 48, in line one, strike out the word "but" and insert "and." In line two, after the word "amendments," strike out the words "noting the page and line," and insert, "shall be disposed of by the committee either by adoption and rejection, and such as shall have been agreed to." And strike out all after the word "House" in line three, and including the word "to" in line four. Strike out

the word "and" at the end of line six. Strike out the word "other" in line seven. Strike out all after the word "whole" in line eight.

In Rule 49, in line 5, strike out the word "has" and insert in lieu thereof the words "shall have."

In Rule 51, in line 1, after the word "no" strike out the words "bill providing," and insert in lieu thereof, the words "motion or proposition."

Strike out Rules 53, 54, 55, and 56, and insert in lieu thereof the following: "Order of Business of the Day."

Rule 53. As soon as the Journal is read, and the unfinished business in which the House was engaged at the last preceding adjournment has been disposed of, reports from committees shall be called for, and disposed of; in doing which, the Speaker shall call upon each standing committee in regular order, and then upon select committees; and if the Speaker shall not get through the call upon the committees before the House passes to other business, he shall resume the next call where he left off, giving preference to the report last under consideration: *Provided*, That whenever any committee shall have occupied the morning hour on two days, it shall not be in order for such committees to report further until the committees shall have been called in their turn.

Rule 54. Reports from committees having been presented and disposed of, the Speaker shall call for resolutions and bills from members by counties arranged alphabetically. And if on any day all the counties shall not be called, the Speaker shall begin the next day where he left off the previous day.

Rule 55. After two hours shall have been devoted to reports from committees and resolutions, it shall be in order, pending the consideration or discussion thereof, to entertain a motion that the House do now proceed to dispose of the business on the Speaker's table, and to the orders of the day, which being decided in the affirmative, the Speaker shall dispose of the business on his table in the following order:

1. Executive and departmental communications.

2. Messages from the Senate, and amendments proposed by the Senate to bills of the House.

3. Bills and resolutions from the Senate on their first and second reading, that they be referred to committees, and put under way; but if on being read a second time, no motion being made to commit, they are to be ordered to their third reading unless objection be made; in which case, if not otherwise ordered, by a majority of the House, they are to be laid on the table, on the general file of bills on the Speaker's table, to be taken up in their turns.

4. Engrossed bills, and bills from the Senate on their third reading.

5. Bills of the House, and from the Senate on the Speaker's table, on their engrossment, or on being ordered to a third reading, to be taken up and considered in the order of time in which they passed to a second reading. The messages, communications, and bills on his table having been disposed of, the Speaker shall then proceed to call the orders of the day.

Rule 56. The consideration of the unfinished business in which the House may be engaged at an adjournment, shall have preference in the orders of the day, and no motion on any other business, after the reading of the Journal, shall be received without special leave of the House until the former is disposed of.

In Rule 57, in line one, strike out the words "every" and "shall" and insert in lieu of the word "shall" the word "may." Strike out all after the word "leave" in line two, and add the following: "which shall be granted only by a majority of the House."

In Rule 58, in line four, strike out all after the word "bill," and insert "shall this pass to a second reading for to-morrow, unless the House shall otherwise order."

In Rule 59, in lieu thereof substitute the following:

Rule 59. Upon the second reading of a bill, the Speaker shall state it as ready for commitment, or engrossment, and if committed, then the question shall be, whether to a select or standing committee, or to a committee of the whole House; if to a committee of the

whole House, the House shall determine on what day, if no motion be made to commit, the question shall be stated on its engrossment, and if it be not ordered to be engrossed on the day of its being reported, it shall be placed on the general file on the Speaker's table, to be taken up in order.

Rule 60. General appropriation bills shall be in order in preference to any other bills of a public nature, unless otherwise ordered by a majority of the House. The House, at any time, may, by a majority vote, make any appropriation bill a special order.

Rule 61. A motion to strike out the enacting words of a bill shall have precedence of a motion to amend, and, if carried, shall be equivalent to its rejection. Whenever a bill is reported from a committee of the whole, with a recommendation to strike out the enacting words, and such recommendation is disagreed to by the House, the bill shall stand recommitted to the said committee without further action of the House.

And so change and revise said 59th rule as to read as follows:

Rule 62. If any bill, or other proposition, be referred to a committee, and any member of such committee make a minority report, such report shall be regarded as an amendment to the report of the committee.

Rule 63. All bills and joint resolutions ordered to be engrossed, shall be executed in a fair, round hand.

Rule 64. After commitment, and report thereof to the House, or at any time before its passage, a bill may be recommitted to the same or any other committee, either with or without instruction; but after a bill or joint resolution has been engrossed, and ordered to a third reading, it shall not be amended except by unanimous consent, but may be recommitted, with special instructions, by a two-thirds vote, and should such recommitment take place after its engrossment, and an amendment be reported and agreed to by the House, the question shall be again put on the engrossment of the bill.

Change Rule 60 to 65.

Change Rule 61 to 66.

H. J.—6

Change Rule 62 to 67, and strike out all of said rule to the words "any member," in the seventh line, and in lieu thereof insert the following: "Members having petitions and memorials to present, may hand them to the Clerk, indorsing the same with their names, and the reference or disposition to be made thereof, and such petitions and memorials shall be entered on the Journal, and if any petition or memorial be so handed in, which in the judgment of the Speaker is not respectful and temperate, and free from offensive imputations upon the character or conduct of the Assembly, or other constituted authority, it shall be returned to the member from whom it was received.

Strike out Rule 63.

Change Rule 64 to 68, and add thereto the following: "Nor shall any rule be suspended except by a two-thirds vote.

Rule 69. No person except members of the General Assembly and its officers, and members of the executive and judicial departments of the State, shall be admitted within the north lobby of the hall of the House, without consent of the Speaker.

Change Rule 65 to 70.

Change Rule 66 to 71.

Change Rule 67 to 72.

Change Rule 68 to 73.

All of which is respectfully submitted for adoption, with the following order:

*Ordered,* That the above rules, as amended, be the standard rules of this House, and the same shall go into operation on the ——— January, 1871, and that 250 copies thereof be printed for the use of the members.

P. M. ZENOR,  
O. M. WILSON,  
O. H. P. ABBETT,  
A. E. GORDON.

Which report,

On motion of Mr. Zenor,

Was laid on the table, and made the special order for to-morrow at ten o'clock A. M.

Mr. Calkins of Fulton introduced

House Bill No. 12. An act repealing "An act to authorize aid to the construction of railroads, by counties and townships taking stock in and making donations to railroad companies," approved May 12, 1869.

Which was read a first time.

#### SPECIAL ORDER FOR THE DAY.

The hour having arrived for the consideration of Senate concurrent resolution providing for a joint convention to elect certain State officers,

The same was taken up.

Mr. Neff moved that the resolution be put upon its passage, and demanded the previous question.

Which was agreed to.

The question being on concurring in the resolution,

Messrs. Neff and Gordon of Boone demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Cunningham,	Haynes,
Ballenger,	Curtis,	Henderson,
Beeler,	Defrees,	Hendry,
Biggs,	Deputy,	Hill,
Britton,	Devol,	Holland,
Browning,	Donham,	Hynes,
Barnaby,	Friedley,	Kennedy,
Bruner,	Furnas,	King,
Butterworth,	Gallentine,	Kirkpatrick,
Caldwell,	Gentry,	Knight,
Calkins of Fulton,	Goble,	Lines,
Calkins of Porter,	Gordon of Boone,	Logan,
Cauthorn,	Gordon of Cass,	Major,
Coggsell,	Guthrie,	Martin of Wayne,
Conner,	Hardin,	Martin of Putnam,
Copner,	Hartley,	McDonald,
Cox,	Hawley,	McDowell,

McFarland,	Rice,	Stone,
McGowan,	Robertson,	Tarlton,
Minick,	Ruddell,	Taughinbaugh,
Miles,	Sabin,	Taylor,
Millikan,	Sansberry,	Tebbs,
Mitchell,	Sayers,	Walker,
Monroe,	Schoeneman,	Washburn,
Montgomery,	Simpson,	Warrum,
Myers,	Shutt,	Wilson,
Neff,	Snodgrass,	Wymer,
Netherton,	Stanley,	Wood,
Oatley,	Stephens,	Woodward,
Rawles,	Stephenson,	Zenor,
Ray,	St. John,	Mr. Speaker—93.
Rhodes,		

Mr. Williams voting in the negative.

So the resolution was concurred in.

Mr. Conner introduced

House Bill No. 13. An act creating the Twenty-ninth Judicial Circuit, etc.

Which was read a first time, and

On motion,

Referred to a special committee of Messrs. Conner, Stephenson, Gordon of Boone, Sansberry, and Kirkpatrick.

Mr. Rhodes introduced

House Bill No. 14. An act amending section 2 of an act entitled "An act concerning interest on money, and repealing all laws in conflict therewith."

Which was read a first time, and

On motion,

Referred to committee on judiciary.



Mr. St. John introduced

House Bill No. 15. An act to amend the 6th, 7th, and 8th sections of "An act regulating the granting of divorces."

Which was read a first time.

Mr. Stephens introduced

House Bill No. 16. An act to amend 6th and 7th sections of "An act regulating the granting of divorces."

Which was read a first time.

Mr. Browning introduced

House Bill No. 17. An act to amend section 22 of an act entitled "An act prescribing powers and duties of justices of the peace in State prosecutions."

Which was read a first time.

Mr. Britton introduced

House Bill No. 18. An act to repeal section 2 of "An act repealing sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, and 22, of an act entitled 'An act to provide for the registry of voters, and to declare their residence, and to punish fraudulent practices touching elections, and defining the duties of certain officers therein named, and the form of the ballots, and providing compensation for the services of such officers,' approved March 11, 1867, and prescribing further duties of elections, and providing for the appointment of the necessary officers and clerks for holding such elections," approved May 13, 1869.

Which was read a first time, and

On motion,

Referred to committee on county and township business.

Mr. Barnaby introduced

House Bill No. 19. An act authorizing the council of Jeffersonville to employ pilots, etc.

Which was read a first time.

Mr. Stone introduced

House Bill No. 20. An act to abolish the office of Agent of State, and authorizing the Governor, by and with the consent of the Senate, if deemed necessary, to appoint a temporary agency in the city of New York, and declaring an emergency, etc.

Which was read a first time, and

On motion,

Referred to the committee on judiciary.

Mr. Neff offered the following resolution:

*Resolved*, That Mr. Mervin be allowed five days' pay and mileage for his services in the organization of this House, and that the Speaker is hereby instructed to issue his warrant for said amount; the same to be paid out of moneys to be hereafter appropriated for legislative purposes.

Which was adopted.

Mr. Warrum introduced

House Bill No. 21. An act to amend sections 97 and 103 of an act entitled "An act to revise, simplify and abridge the rules, practice, and pleadings, and forms in criminal actions in the Courts of this State."

Which was read a first time.

Mr. Caldwell introduced

House Bill No. 22. An act to amend an act entitled "An act to enable the owners of wet lands to drain and reclaim them where the same can not be done without affecting the lands of others," approved March 11, 1867; amending the title, and by amending sections 1, 3, 4, 6, 9, 11, and 12.

Which was read a first time.

Mr. Woods introduced

House bill No. 23. A bill to repeal the law authorizing the construction of drains, etc.

Which was read a first time.

Mr. Ballenger introduced

House Bill No. 24. An act to amend the practice and procedure in criminal actions, and allowing excepted persons to testify in their own behalf.

Which was read a first time, and

On motion,

Referred to the committee on judiciary.

A message of the Senate, by Mr. Harrison, the Secretary thereof:

MR. SPEAKER:

I am instructed by the President of the Senate to inform the House that the Senate has passed the following joint resolution, to wit:

A joint resolution of instruction to the Senators in Congress representing the State of Indiana, on the subject of annexing Dominica to the United States.

*Resolved by the General Assembly of the State of Indiana, That while not opposed to judicious acquisition of territory by the United States whenever the same may be necessary for the public defense, for commerce, the adjustment of boundaries, or the development of national resources, we condemn and disapprove of the pending plan before Congress for the acquisition of a portion of the island of San Domingo.*

*Resolved, That our Senators in Congress be and they are hereby instructed, and our Representatives requested, to oppose, by their votes and by all legitimate means, the consummation of said plans, and all legislative action by Congress looking to that end.*

*Resolved, That the Governor be and is hereby requested to furnish each of our Senators and Representatives in Congress, as soon as practicable, with a copy of these resolutions; that he forward a copy of the same, duly authenticated, to Hon. Charles Sumner, with a request from this General Assembly that the same may be presented by him to the Senate of the United States.*

In which the concurrence of the House is respectfully solicited.

Mr. Major introduced

House Bill No. 25. An act to provide for the general system of

common schools, the officers thereof, and their powers and duties connected therewith.

Which was read a first time.

Mr. Washburn introduced

House Bill No. 26. An act to raise revenue for State purposes, etc.

Which was read a first time.

Mr. Taylor introduced

House Bill No. 27. An act for the improvement of highways, and providing for the assessment, collection, and application of a road tax, and prescribing the duties of Township Trustees, County Treasurers, Boards of Commissioners, and other officers in relation thereto, and repealing all laws inconsistent therewith.

Which was read a first time.

Mr. Gordon of Boone introduced

House Bill No. 28. An act regulating and fixing the salaries of certain county officers therein mentioned, and prescribing their duties in certain cases, and fixing the pay of clerks or deputies employed by them.

Which was read a first time.

Mr. Martin of Putnam introduced

House Bill No. 29. A bill repealing sections three (3) and four (4) of an act entitled "an act authorizing voluntary associations formed under an act concerning the organization of voluntary associations, and repealing former laws in reference thereto, approved February 12, 1855, to acquire title to lands that have heretofore been used as burial places, and to acquire additional adjoining lands for burial places, and declaring an emergency," approved May 14, 1869, and declaring an emergency.

Which was read a first time, when,

On motion of Mr. Guthrie,

The House adjourned.

## TUESDAY MORNING.

JANUARY 10, 1871, 9 O'CLOCK A. M.

The House met.

On motion of Mr. Martin of Putnam,  
Mr. Neff took the chair.

Prayer by the Rev. Mr. Holliday.

The Journal of yesterday was read in part, when,

Upon motion of Mr. Tebbs,  
The further reading of the Journal was dispensed with.

## PETITIONS, MEMORIALS, ETC.

Mr. Woodward presented a petition from sundry citizens of Parke county, in relation to valuation of lands in said county as fixed by certain assessors.

Mr. Rawles presented a petition from John B. Howe, in regard to the establishment of an equal and uniform rate of taxation and assessment.

Mr. Butterworth presented a petition from sundry persons of St. Joseph county, on the subject of the construction of drains, dykes, etc., and the reclamation of wet and overflowed lands.

Mr. Monroe presented a petition from the members of James O. Borcourt's company of minute men, and citizens of Jefferson county, praying for the same rate of pay as already granted to certain other similar companies.

Mr. Ruddell presented the following report of the Librarian of State :

*To the officers and members of the General Assembly:*

GENTLEMEN: I have the honor to transmit the following report of the department of State over which I have been called to preside:

Since the session of 1869 many important changes have been made in the Library, in order to improve its condition, and render it more convenient of access. A new catalogue has been prepared, the books rearranged, classified, and placed in proper order. Great care has been taken to make this complete and accurate. A case has also been provided, in which to keep the Indiana Laws and Reports, thus making them more secure, and preserving the same for future use. Another case, with pigeon holes, has been provided, for the purpose of keeping neatly arranged a full set of all pamphlets, reports, etc. This will be found of great value to the library, not only in preserving, but in facilitating the search for these documents, hitherto found so tedious.

In accordance with an act of the last Legislature, authorizing the appointment of a State Geologist, it became necessary, in order to have ample room for the display of specimens, and a good analytical laboratory, to erect a building for this purpose, adjoining the Capitol on the east. Therefore, by the consent and approval of His Excellency, the Governor, I at once proceeded to have the room built, which is now occupied by the State Geologist as his laboratory. By the same being let to the lowest bidder, it cost but little in comparison to the great value it has proven to the State at large. Through the efficiency of that worthy officer, Dr. E. T. Cox, this department has been made one of the most interesting and valuable in the State, in hastening the development of our hidden resources, stimulating the manufacturing interests, and rendering available that which has hitherto been only theorized upon, but not realized. All bills approved by me for the benefit of this department, can be found on file in the library, and at the Auditor of State's office.

In this connection I would suggest, (as, perhaps, the most proper place,) that, owing to the great advancement being made in scientific researches and developments in our country of late, and especially in our State, that it has become almost imperative that a good selection of scientific works be purchased for the State Library. I would, therefore, recommend for the favorable consideration of your honorable body, that this matter be taken under advisement, and if found proper and expedient, that a special appropriation over and

above the general amount appropriated for the buying of books, be made for this particular purpose.

During my term of office, many valuable books have been added to the Library by purchase and otherwise; not as many, however, as should have been, owing to the fact that the appropriation for this purpose has been very limited, and much of the same has been disposed of in the way of re-binding such works of value as were found necessary for future preservation. A catalogue of all purchases and exchanges from the different States, General Government, and from the Province of Her Majesty's Dominion in Canada, has been kept prepared.

But few copies of the Adjutant General's Report, deposited in the Library for sale, have been disposed of during my term of office, although a very valuable source of information as a public document, it will not be ready sale, in all probability, until personal information is more difficult to obtain. In years to come, however, they will doubtless prove to be of indispensable value.

The furnaces and heating apparatus throughout, for both legislative departments, have been carefully overhauled and put in a good working condition. The great difficulty heretofore found in properly heating the halls, will, we hope, thereby, to a very great extent at least, be obviated. I have also caused both halls to be prepared and placed in as comfortable a condition as possible, under the circumstances, for the present session of the General Assembly.

All necessary repairs to the State House and appurtenances have been made under the direction of the Secretary, Auditor and Treasurer of State, as required by law. Special attention has been given to see that all work was done at as little cost to the State as possible, having at all times a view to the strictest economy.

All accounts and bills for the purchase of books, expressage, postage, and other incidental expenses, connected with the Library and State House, can be found on file in the office of the Auditor of State.

The usual exchange of Public Documents, etc., have been forwarded in exchange for the same by our Secretary of State.

The Library is now in as good a condition as it is possible to be made with the present arrangement of rooms.

We would most respectfully ask an inspection of the same by the members of your honorable body, as well as the standing committee

on Library. If, in their opinion, any salutary changes can be made, we would urge that such be recommended.

Respectfully submitted,

(Signed)

M. G. McLAIN,

State Librarian.

On motion,

The report was referred to the committee on Library.

Mr. Sayers introduced the following resolution:

*Resolved*, That Thos. C. McConn, Doorkeeper of the last House of Representatives, be allowed for five days' services as Doorkeeper of this House, at its opening, and mileage; and that the Speaker draw his order for the same in favor of said McConn, to be paid out of such money as may hereafter be appropriated to meet the expenses of this session of this Legislature.

Which was agreed to.

Mr. Abbett offered the following:

*Resolved*, That the Doorkeeper be requested to furnish suitable seats within the bar of the House for the accommodation of ministers of the Gospel; and they are hereby respectfully invited to seats during business hours.

Which was agreed to.

Mr. Minick offered the following:

*Resolved*, That the Doorkeeper be instructed to place some mark or letter on the wrappers of each paper, by which means the members may know the politics of the paper contained therein.

Which was agreed to.

Mr. Calkins of Porter moved that Senate Joint Resolution on the subject of the annexation of Dominica, be made the special order for 2½ o'clock P. M. of to-day.

Which was agreed to.

Mr. Furnas offered the following resolution:

WHEREAS, It is a fact that some of the work done on the principal building recently erected at the Reform School, located at Plain-



field, Indiana, has not been paid for, the Directors and Superintendent thereof maintaining that such work has not been done according to contract and specifications in reference to said building;

AND WHEREAS, Permanent work, said to be absolutely necessary, has been done by the contractor in the completion of said building, and which remains to this time wholly unpaid, compensation therefor refused to be made for said work in consideration of such work being outside of the specifications of said building contract; therefore,

*Resolved*, That a committee of five be appointed by the Speaker of this House, to investigate the matters of difference as above stated, with sufficient powers to send for persons and papers; and that said committee be required to report the result of their investigations at an early day.

Which was agreed to.

Mr. Stephenson introduced

House Bill No. 30. An act for the protection of fish, and providing penalties for its violation.

Which was read a first time.

Mr. Biggs introduced

House Bill No. 31. An act to amend sections 6, 7 and 9, of an act entitled "An act regulating the granting of divorces, nullification of marriages, and decrees and orders of court, incident thereto."

Which was read a first time.

Mr. Williams introduced

House Bill No. 32. An act authorizing the appropriation of one hundred thousand dollars (\$100,000,) for defraying the expenses of the Forty-Seventh General Assembly.

Which was read a first time.

Mr. Britton introduced

House Bill No. 33. An act to amend, "An act regulating the interest on money," etc.

Which was read a first time.

Mr. Rhodes introduced

House Bill No. 34. An act empowering married women under 21 years of age to convey their real estate.

Which was read a first time.

Mr. Zenor moved to suspend the constitutional rule requiring bills to be read on three several days, so that House Bill No. 32 be read a second time now.

The ayes and noes were taken under the constitutional rule.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Guthrie,	Monroe,
Ballenger,	Hardin,	Montgomery,
Beeler,	Hartley,	Myers,
Biggs,	Hawley,	Neff,
Britton,	Haynes,	Netherton,
Browning,	Heilman,	Oatley,
Barnaby,	Henderson,	Rawles,
Bruner,	Hendry,	Ray,
Butterworth,	Hill,	Rhodes,
Caldwell,	Hooker,	Rice,
Calkins of Fulton,	Hynes,	Robertson,
Coggsell,	Kennedy,	Ruddell,
Conner,	King,	Sabin,
Copner,	Kirkpatrick,	Sansberry,
Cox,	Lines,	Sayers,
Cunningham,	Logan,	Schoenemann,
Curtis,	Major,	Simpson,
Deputy,	Martin of Wayne,	Shutt,
Devol,	Martin of Putnam,	Snodgrass,
Donham,	McDonald,	Stanley,
Friedley,	McDowell,	Stephens,
Furnas,	McFarland,	Stephenson,
Gallentine,	McGowan,	St. John,
Gentry,	Minick,	Strickland,
Goble,	Miles,	Tarleton,
Gordon of Boone,	Millikan,	Taughinbaugh,
Gordon of Cass,	Mitchell,	Taylor,

Tebbs,	Williams,	Wood,
Walker,	White,	Woodward,
Washburn,	Wilson,	Zenor,
Warrum,	Wymer,	Mr. Speaker—93.

*Those who voted in the negative were, Messrs.*

Defrees,	Holland—2.
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So the constitutional rule was suspended, and the bill read a second time by its title.

Mr. Zenor moved that the bill be now read a third time and put upon its passage.

Which was agreed to.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbott,	Donham,	Kirkpatrick,
Ballenger,	Friedly,	Knight,
Beeler,	Furnas,	Lines,
Biggs,	Gallentine,	Logan,
Britton,	Gentry,	Martin of Wayne,
Browning,	Goble,	Martin of Putnam,
Barnaby,	Gordon of Boone,	McDonald,
Bruner,	Gordon of Cass,	McDowell,
Butterworth,	Guthrie,	McFarland,
Caldwell,	Hardin,	McGowan,
Calkins of Fulton,	Hartley,	Minick,
Calkins of Porter,	Hawley,	Millikan,
Cauthorn,	Haynes,	Mitchell,
Coggsell,	Heilman,	Monroe,
Conner,	Henderson,	Montgomery,
Copner,	Hendry,	Myers,
Cox,	Hill,	Neff,
Cunningham,	Holland,	Netherton,
Curtis,	Hooker,	Oatley,
Defrees,	Hynes,	Rawles,
Deputy,	Kennedy,	Ray,
Devol,	King,	Rice,

Robertson,	Stephens,	Warrum,
Ruddell,	Stephenson,	Williams,
Sabin,	St. John,	White,
Sansberry,	Strickland,	Wilson,
Sayers,	Tarlton,	Wymer,
Schoenemann,	Taughinbaugh,	Wood,
Simpson,	Taylor,	Woodard,
Shutt,	Tebbs,	Zenor,
Snodgrass,	Walker,	Mr. Speaker—95.
Stanley,	Washburn,	

*Those who voted in the negative were, Messrs.*

Major,

Rhodes—2.

So the bill passed.

The Speaker announced the following standing committees:

*On Ways and Means.*

Messrs. Neff, Mitchell, Defrees, Wilson, Sansberry, Caldwell, and Stone.

*On the Judiciary.*

Messrs. McDonald, Neff, Wilson, Cauthorn, Friedly, Henderson, and Calkins of Fulton.

*On Education.*

Messrs. Abbett, Oatley, Ballenger, Ruddell, McDonald, Guthrie, and Defrees.

*On Affairs of the City of Indianapolis.*

Messrs. Devol, Barnaby, Holland, Lines, Martin of Wayne, Gentry, and Weekly.

*On Mileage and Accounts.*

Messrs. Oatley, Hartley, Biggs, Montgomery, Taughinbaugh, Deputy, and Netherton.

*On Canals.*

Messrs. Ray, Copner, Cunningham, Hill, Hynes, Major, and Hooker.

*On Benevolent and Scientific Institutions.*

Messrs. Minick, Devol, Wilson, Defrees, McGowan, Neff, and King.

## SPECIAL ORDER FOR THE DAY.

The hour having arrived for the consideration of the report from the committee on the revision of rules, the same was taken up.

The report of the committee was agreed to *seriatim*, two hundred and fifty copies of the rules as revised ordered to be printed, and the same motion ordered said rules to go into effect January 13, 1871, at 9 o'clock A. M.

Mr. Taylor introduced

House Bill No. 35. Entitled "An act to amend the third section of an act entitled an act providing for the organization of county boards, and prescribing some of their powers and duties," approved June 17, 1852, and prescribing the time and manner of the election of boards of commissioners and their terms of office.

Which was read a first time.

Mr. Zenor introduced

House Bill No. 35. An act to amend section two of an act to amend certain sections of an act to provide for the registering of votes, etc.

Which was read a first time.

Mr. Rhodes offered the following resolution:

*Resolved*, That the committee on the judiciary is hereby instructed to inquire into the constitutional power of the legislature to fix by law the rates of fare which shall be collected of passengers, and the rates of charges for freights to be collected by the railroads now being operated in this State, or passing into or through the same;

and in their report to discriminate between those companies organized under the general statute for the incorporation of railroad companies, and the acts supplemental and amendatory thereof, and those organized under special acts, and report by bill or otherwise at an early day. And to enable said committee to fully inquire into said matters, the Secretary of State is requested to furnish to said committee a statement showing the name of each railroad corporation organized in this State, and the date of its organization; also showing the consolidation of all railroad companies, and the date of such consolidation, and other information connected with the subject-matter of this resolution that said committee may desire for their information.

Which, by the consent of the House, was referred to the committee on judiciary.

#### HOUSE BILLS ON THEIR SECOND READING.

House Bill No. 1. An act regulating the salaries and compensation of county officers, and repealing all laws granting fees and perquisites to said officers inconsistent with this act, and providing penalties for the violation of any of its provisions.

Which was read a second time.

When,

On motion of Mr. Calkins of Porter,  
The House adjourned.

TUESDAY AFTERNOON, 2 O'CLOCK P. M.

The House met.

#### HOUSE BILLS ON SECOND READING.

House Bill No. 2. An act to amend sections 4 and 6 of an act entitled "An act prescribing the powers and duties of coroners," approved May 27, 1852, and providing for an emergency.

Which was read a second time, and ordered to be engrossed.

House Bill No. 4. "An act in relation to voluntary assignments in trust for the benefit of creditors, and defining the powers of Courts of Common Pleas in relation thereto in certain cases."

Which was read a second time.

House Bill No. 5. "An act limiting and defining the extent of the jurisdiction of grand juries in certain criminal cases, and repealing all laws in conflict with this act."

Which was read a second time, and

On motion,

Referred to the committee on judiciary.

Mr. Stephens moved that House Bill No. 1 be referred to committee on fees and salaries.

Which was agreed to.

House Bill No. 6. An act to provide for the assessment and collection of taxes for municipal purposes, on the shares of stocks owned in bank and banking associations doing business in this State.

Which was read a second time, and

On motion,

Referred to the committee on banks.

House Bill No. 7. An act prescribing certain duties of the clerks, auditors, sheriffs and treasurers of the several counties of this State, fixing their compensation, prescribing penalties for their failure to discharge their duties, regulating the appointment of bailiffs and their allowances, and repealing all laws in conflict with the provisions hereof.

Which was read a second time by its title, and,

On motion,

Referred to committee on fees and salaries.

Mr. Calkins of Porter moved that House Bill No. 8. An act to amend an act to authorize the construction of drains, etc.; and House Bill No. 23. An act to repeal the law authorizing the construction of drains, etc., be read a second time by their titles, and laid temporarily on the table.

Which was agreed to, and the bills were so read a second time.

House Bill No. 9. An act entitled an act to repeal an act entitled "an act to discourage the keeping of useless and sheep-killing dogs, and providing penalties for the violation of any of the provisions of said act by officers and others, and also repealing an act to license dogs," approved March 11th, 1861, and providing that nothing in this act shall be so construed as to conflict with the provisions of an act entitled "an act for the protection of sheep," approved June 15th, 1852.

Which was read a second time, and,  
On motion,  
Referred to committee on agriculture.

#### SPECIAL ORDER FOR THE DAY.

The hour having arrived for the consideration of Senate Joint Resolution No. 1, in relation to the plan now pending in Congress providing for the annexation of Dominica, the same was taken up.

Mr. Calkins of Porter offered the following amendment:

Amend by striking out in first resolution all that part thereof after the word "we," and insert in lieu thereof, "disapprove of any plan for the acquisition of the island of San Domingo which will require an outlay of the public money."

Amend second resolution by striking out the word "said," and inserting in lieu thereof, "such a."

Amend third resolution by striking out "Hon. Charles Sumner," and insert in lieu thereof, "Hon. D. D. Pratt."

Mr. Zenor moved the previous question, which was seconded by the House.

The question being on the adoption of the amendment.

The ayes and nocs were demanded by Messrs. Zenor and McDonald.

*Those who voted in the affirmative were, Messrs.*

Ballenger,	Calkins of Fulton,	Deputy,
Beeler,	Calkins of Porter,	Friedley,
Biggs,	Conner,	Furnas,
Butterworth,	Defrees,	Gordon of Boone,



Heilman,	Millikan,	Stephenson,
Henderson,	Monroe,	St. John,
Hill,	Myers,	Strickland,
Hooker,	Netherton,	Taylor,
Kennedy,	Rawles,	Washburn,
King,	Ray,	Weekly,
Kirkpatrick,	Rhodes,	Williams,
Knight,	Ruddell,	White,
Lines,	Sabin,	Wilson,
Major,	Sayers,	Wymer,
Martin of Wayne,	Schoenemann,	Wood,
Martin of Putnam,	Snodgrass,	Woodward—48.

*Those who voted in the negative were, Messrs.*

Abbett,	Gordon of Cass,	Montgomery,
Britton,	Guthrie,	Neff,
Browning,	Hardin,	Oatley,
Barnaby,	Hartley,	Rice,
Bruner,	Hawley,	Sansberry,
Caldwell,	Haynes,	Simpson,
Cauthorn,	Hendry,	Shutt,
Cogswell,	Holland,	Stanley,
Copner,	Hynes,	Stephens,
Cox,	Logan,	Tarlton,
Cunningham,	McDonald,	Taughinbaugh,
Curtis,	McDowell,	Tebbs,
Devol,	McFarland,	Walker,
Donham,	McGowan,	Warrum,
Gallentine,	Minick,	Zenor,
Gentry,	Miles,	Mr. Speaker—50.
Goble,	Mitchell,	

The question recurring on the passage of the resolution.

The ayes and noes were demanded by Messrs. Neff and Calkins of Porter.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Browning,	Bruner,
Britton,	Barnaby,	Caldwell,

Cauthorn,	Hawley,	Oatley,
Coggswell,	Haynes,	Ray,
Conner,	Henderson,	Rice,
Copner,	Hendry,	Sansberry,
Cox,	Hynes,	Simpson,
Cunningham,	Logan,	Shutt,
Curtis,	Major,	Stanley,
Devol,	McDonald,	Stephens,
Donham,	McDowell,	Tarlton,
Gallentine,	McFarland,	Taughinbaugh,
Gentry,	McGowan,	Tebbs,
Goble,	Minick,	Walker,
Gordon of Cass,	Miles,	Washburn,
Guthrie,	Mitchell,	Warrum,
Hardin,	Montgomery,	Zenor,
Hartley,	Neff,	Mr. Speaker—54.

*Those who voted in the negative were, Messrs.*

Ballenger,	Kennedy,	Sayers,
Beeler,	King,	Schoenemann,
Biggs,	Kirkpatrick,	Snodgrass,
Butterworth,	Knight,	Stephenson,
Calkins of Fulton,	Lines,	St. John,
Calkins of Porter,	Martin of Wayne,	Strickland,
Defrees,	Martin of Putnam,	Taylor,
Deputy,	Millikan,	Weekly,
Friedley,	Monroe,	Williams,
Furnas,	Myers,	White,
Gordon of Boone,	Netherton,	Wilson,
Heilman,	Rawles,	Wymer,
Hill,	Rhodes,	Wood,
Holland,	Ruddell,	Woodward—44.
Hooker,	Sabin,	

So the joint resolution passed.

The question being, shall the title as read stand as the title of the joint resolution?

It was so ordered.

*Ordered*, That the Clerk inform the Senate of the passage of the joint resolution.

The Speaker laid before the House a communication from the Governor stating that John M. Commons, Esq., is authorized to make Executive communications to the General Assembly.

Mr. Simpson moved to reconsider the vote just taken on Senate Joint Resolution No. 1, and that the motion to reconsider be laid on the table.

Pending which motion,

On motion of Mr. Ruddell,  
The House adjourned.

## WEDNESDAY MORNING.

JANUARY 11TH, 1871, 9 O'CLOCK A. M.

The House met.

Prayer by the Rev. Dr. Day.

The Journal of yesterday was read and approved.

The Speaker laid before the House the documents accompanying the Governor's message, which,

On motion of Mr. Neff,  
Were laid upon the table.

The motion of Mr. Simpson pending at last adjournment, to reconsider the vote on Senate Joint Resolution No. 1, in relation to the annexation of Dominica, and to lay the motion on the table; was decided to be in order, and the same was taken up.

The question being to reconsider and to lay the motion to reconsider on the table,

The ayes and noes were demanded by Messrs. Wilson and Taylor.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Donham,	McDonald,
Britton,	Gallentine,	McDowell,
Browning,	Gentry,	McFarland,
Bruner,	Goble,	McGowan,
Caldwell,	Gordon of Cass,	Minick,
Cauthorn,	Guthrie,	Miles,
Coggsell,	Hardin,	Mitchell,
Conner,	Hartley,	Montgomery,
Copner,	Hawley,	Neff,
Cox,	Haynes,	Oatley,
Cunningham,	Henderson,	Rice,
Curtis,	Hynes,	Sansberry,
Devol,	Logan,	Simpson,

Shutt,	Taughinbaugh,	Warrum,
Stanley,	Taylor,	Zenor,
Stephens,	Tebbs,	Mr. Speaker—50.
Tarlton,	Walker,	

*Those who voted in the negative were, Messrs.*

Ballenger,	King,	Sabin,
Beeler,	Kirkpatrick,	Sayers,
Biggs,	Knight,	Snodgrass,
Butterworth,	Lines,	Stephenson,
Calkins of Fulton,	Major,	St. John,
Calkins of Porter,	Martin of Wayne,	Stone,
Defrees,	Millikan,	Strickland,
Deputy,	Monroe,	Washburn,
Friedly,	Myers,	Williams,
Furnas,	Netherton,	White,
Gordon of Boone,	Rawles,	Wilson,
Heilman,	Ray,	Wymer,
Hill,	Rhodes,	Wood,
Hooker,	Ruddell,	Woodward—43.
Kennedy,		

So the motion to lay on the table prevailed.

The Speaker announced the following special committee:

*On Reform School Contract.*

Messrs. Furnas, Mitchell, Conner, Minick, and Martin of Wayne.

The Speaker announced the following standing committee:

*On Sinking Fund.*

Messrs. Cauthorn, Warrum, Martin of Putnam, St. John, Haynes, Caldwell, and Conner.

PETITIONS, MEMORIALS, AND REMONSTRANCES.

Mr. Taylor presented the petition of sundry citizens of Allen county, in relation to our divorce laws.

Which was,

On motion,

Referred to the committee on judiciary.

Mr. Taylor presented the petition of sundry citizens, in relation to the administration of our prisons, reformatories, and benevolent institutions.

Which was,

On motion,

Referred to the committee on prisons.

Mr. Hardin presented the petition of sundry citizens of Perry county, on the subject of Poison Creek navigation.

Which was,

On motion,

Referred to the committee on highways.

Mr. Oatley presented the petition of sundry citizens, in relation to sheep-killing dogs.

Which was,

On motion,

Referred to committee on agriculture.

Mr. McDowell, from the special committee appointed to investigate the contested election case in Laporte county, presented the following report:

MR. SPEAKER:

The committee to whom was referred the contested election case, wherein Simon Wile is the contestor, and William Schoeneman the contestee, involving the right to a seat on this floor as Representative for the county of Laporte, have had the same under consideration, and being fully and sufficiently advised in the premises, submit the following report:

The committee find that, at the general election held on the 11th day of October, 1870, the contestor and the contestee were the opposing candidates in the county of Laporte for Representative to this General Assembly for said county; that they were the only candidates for said office, and both received legal votes therefor; that on the 11th day of October, 1870, the day said general election was held, the contestee was holding the office of postmaster at Michigan City, Indiana, an office created and held under the authority of the United States; that said holding of said office by the contestee was generally known to the legal voters of said county; that the salary or compensation realized by the contestee from said office was four-

teen hundred dollars per annum; that the contestee continued to hold said office until the 4th day of January, 1871, when he left home to attend the present session of the General Assembly, and take his seat as a member thereof; that said office is now managed by his employees, and that he has received no notification of the appointment or confirmation of a successor. Upon the above state of facts, which are admitted by the parties, the question is presented, as to which of the parties, if either, is entitled to the seat on this floor as the Representative from the county of Laporte. It is purely a question of law, and its solution depends upon the proper construction of Section 9, Article 2, of the Constitution of the State of Indiana.

Which reads as follows:

"No person holding a lucrative office or appointment under the United States, or under the State, shall be eligible to a seat in the General Assembly; nor shall any person hold more than one lucrative office at the same time, except as in this Constitution expressly permitted: *Provided*, That officers in the militia, to which there is attached no annual salary, and the office of Deputy Postmaster, when the compensation does not exceed ninety dollars per annum, shall not be deemed lucrative; *and provided also*, the counties containing less than one thousand polls may confer the office of Clerk, Recorder, and Auditor, or any two of said offices upon the same person." (R. S., Vol. 1, page 36, ed. G. & H.)

The committee are of opinion, that by virtue of said provision of the Constitution, the contestee was not eligible to a seat in this House as a Representative. It is clear, from the text of the Constitution, that the framers of that instrument intended to make the holding of certain offices of itself sufficient to render the holder thereof not eligible to a seat in the General Assembly. This is a self-evident proposition, and needs no elucidation. There may be offices, the holding of which may not bring the incumbent within the constitutional restriction and render him ineligible; but the case in point is not one of them. The office held by the contestee was that of Deputy Postmaster, an office known and recognized by the framers of the Constitution, and to which their attention in drafting this section was particularly directed, as in the proviso it is directly alluded to, and Deputy Postmasters whose compensation do not exceed ninety dollars per annum, are exempted from its operation. But the office admitted to have been held in this case does not come within the exception, as the annual compensation exceeds ninety

dollars per annum. There can be no escape, therefore, from the conclusion that the contestee was not eligible to a seat in this House by virtue of that constitutional restriction.

We presume (there being no evidence whatever on the point) that the contestee received a majority of the votes cast at said election for said office of Representative, as he holds the certificate. Such being the case, we would not exclude him from the seat he holds on a mere technicality or informality. But, in this case, he is disqualified by the Constitution, the paramount law of the State, and to admit him would, in the opinion of the committee, be a palpable violation of that instrument, which we have sworn to support.

Having thus disposed of one branch of the inquiry presented, it only remains for the committee, in the discharge of its duty, to dispose of the remaining one. And as to this, we are of opinion that the contestor was duly elected Representative for the county of Laporte, at the election held on the 11th day of October last. On that day it was competent for the voters of that county to elect a Representative, and the eligible person receiving the highest number of votes would, of course, be elected. And it was not competent for any number of the voters of that county to defeat that right, either by absenting themselves from the polls, casting blank ballots, or voting for a person not eligible. In the case before us, the contestor was the only person eligible for said office voted for, and consequently elected. It may be indelicate for any person to assume the duties of a representative office, with a majority of the voters of his county arrayed against him; but we are not called upon to decide this.

The view of the case and conclusion reached by the committee, may appear to militate against the American doctrine of the right of the majority to rule, and perhaps to some extent it is the case; but in contemplation of law, and this is purely a legal question with which we deal, it is in harmony with that principle. The law presumes that every one knows the law, and ignorance thereof can not be pleaded. In many cases it is a violent presumption, and may work hardships. It may be so in this case; yet it is nevertheless the law. And therefore, in the eye of the law, the voters of Laporte county, who cast their ballots for the contestee, accomplished indirectly what the voters who cast their ballots for the contestor directly accomplished. They knew, in contemplation of law, that the contestee was not eligible; and by voting for him, they indirectly accomplished the election of the contestor as surely as if they had absented



themselves from the polls or cast blank ballots. The committee, therefore, find that the contestee is not entitled to the seat he now holds in this House as Representative for the county of Laporte, and that the contestor is entitled to said seat.

The committee, therefore, recommend the adoption of the following resolution:

*Resolved*, That Simon Wile and William Schoenemann being the only persons voted for at the General Election, held on the 11th day of October, 1870, for the office of Representative for the county of Laporte, in the General Assembly of the State of Indiana; and William Schoenemann not being eligible for that office at said election, and Simon Wile being the only person voted for who was eligible, that William Schoenemann has no legal right to a seat in the House of Representatives as the Representative for the county of Laporte; and that Simon Wile was duly elected a Representative for the county aforesaid, in the General Assembly of the State of Indiana, and is hereby admitted to his seat in the House of Representatives for the said county of Laporte.

(Signed)

GEO. McDOWELL, Chairman.  
HENRY S. CAUTHORN,  
FRANK D. CALDWELL,  
JONATHAN D. COX,  
HENRY S. BARNABY.

Mr. Hawley offered the following:

*Resolved*, That the Doorkeeper be requested to procure a list of the names of members of the House, and attach thereto the numbers of the seats occupied by each respectively, and post the same up in some convenient place in the rear of the Speaker's stand, for the use of the members, doorkeepers, and pages.

Which was agreed to.

Mr. Mitchell offered the following resolution:

*Resolved*, That the committee on Benevolent Institutions be instructed to inquire into the expediency of abolishing the separate Boards of Commissioners of the different Institutions, and of estab-

lishing one Board for all of such Institutions; and that the committee report by bill or otherwise.

Which was,

On motion,

Referred to the committee on judiciary.

Mr. Barnaby offered the following resolution:

*Resolved*, That the committee on elections be and are hereby authorized to employ a clerk until such time as the duties of said committee shall be completed.

Which was agreed to.

Mr. Stone introduced the following concurrent resolution:

*Resolved by the House of Representatives*, (the Senate concurring therein), That there be printed in pamphlet form eight thousand copies of His Excellency, Governor Baker's Message—fifteen hundred copies whereof shall be printed in the German language. That one thousand copies of the same message shall be delivered to the Governor for his own use, and the remainder be distributed, *pro rata*, to the members of the General Assembly for circulation; and that there be printed with said message the letter of the Governor to Messrs. Hendricks, Hord & Hendricks on the subject of certain internal improvement bonds, and their able reply to the same.

Which was agreed to.

Mr. Devol offered the following resolution:

*Resolved*, That so much of the Governor's Message as relates to State Debt be referred to the committee on ways and means.

That so much as relates to the canal debt be referred to the committee on canals.

That so much as relates to the taxation of railroads be referred to the committee on railroads.

That so much as relates to the taxation of bank stock be referred to the committee on banks.

That so much as relates to assessment, equalization and collection of taxes be referred to the committee on ways and means.

That so much as relates to education be referred to the committee on education.

That so much as relates to the State University, Agricultural College, Normal School, and benevolent institutions be referred to the committee on benevolent and scientific institutions.

That so much as relates to agriculture and State Geologist be referred to the committee on agriculture.

That so much as relates to courts and criminal law and practice be referred to the committee on the judiciary.

That so much as relates to county reform and reformatations be referred to the committee on county and township business.

That so much as relates to our divorce laws be referred to the committee on the judiciary.

That so much as relates to State prisons be referred to the committee on State prisons.

Which was agreed to.

Mr. Cauthorn introduced the following:

A joint resolution instructing the Senators and requesting the Representatives in Congress to endeavor to obtain an appropriation from Congress for the improvement of the navigation of the Wabash river.

*Be it resolved by the General Assembly of the State of Indiana,* That our Senators in Congress be instructed, and our Representatives be requested to use all proper means to procure an appropriation by Congress for the improvement of the navigation of the Wabash river from its mouth to Lafayette, and as much higher as a survey shall demonstrate it to be practicable; and that the Governor be requested to forward a copy of this resolution to each of said Senators and Representatives in Congress from this State.

Under the constitutional rule, the ayes and noes were called.

*Those who voted in the affirmative were, Messrs.*

Beeler,	Barnaby,	Coggswell,
Britton,	Caldwell,	Conner,
Browning,	Cauthorn,	Cox,

Cunningham,	Lines,	Shutt,
Curtis,	Logan,	Snodgrass,
Devol,	Martin of Wayne,	Stanley,
Donham,	Martin of Putnam,	Stephens,
Friedley,	McDonald,	Stephenson,
Gallentine,	McFarland,	Stone,
Gentry,	McGowan,	Strickland,
Gordon of Boone,	Minick,	Tarlton,
Gordon of Cass,	Miles,	Taylor,
Haynes,	Mitchell,	Tebbs,
Heilman,	Neff,	Washburn,
Henderson,	Netherton,	Warrum,
Hendry,	Oatley,	Weekly,
Hill,	Ray,	White,
Holland,	Rhodes,	Wilson,
Hooker,	Rice,	Wymer,
Hynes,	Ruddell,	Wood,
Kennedy,	Sansberry,	Woodward,
King,	Sayers,	Zenor,
Knight,	Simpson,	Mr. Speaker—69.

*Those who voted in the negative were, Messrs.*

Abbett,	Furnas,	Monroe,
Ballenger,	Goble,	Montgomery,
Biggs,	Guthrie,	Myers,
Bruner,	Hardin,	Rawles,
Butterworth,	Hawley,	Sabin,
Calkins of Fulton,	Kirkpatrick,	St. John,
Calkins of Porter,	Major,	Taughinbaugh,
Copner,	McDowell,	Walker,
Defrees,	Millikan,	Williams—28.
Deputy,		

So the joint resolution passed.

The question being, shall the title as read stand as the title of the joint resolution?

It was so ordered.

*Ordered,* That the Clerk inform the Senate of the passage of the joint resolution.

Mr. Cauthorn offered the following resolution: -

WHEREAS, His Excellency, the Governor of the State, in his message delivered on the 6th inst., informs the General Assembly that of the sinking fund there is "Money on hand," the sum of five hundred and fifty thousand nine hundred and sixteen dollars and eighty cents, and has made certain recommendations on the subject; therefore,

*Resolved*, That a special committee of seven be appointed to investigate and ascertain in whose custody and keeping said money now is, how long the same has been on hand, where deposited or kept, what compensation or remuneration, if any, has been received for daily balances from said money, if deposited with any bank or banks, broker or brokers, or other corporations, or for the use thereof if loaned or used by any person or persons, or corporation, and who received the same, and to require the actual production of said money on hand, and count the same, and for this purpose said committee is authorized and empowered to send for persons and papers, and invested with full power to enforce all necessary orders to properly discharge said duty, and to report the result of such investigation to this House at an early day during the session.

Which was agreed to.

Mr. Major introduced the following concurrent resolution:

WHEREAS, The Congress of the United States, has from time to time, voted large appropriations of lands to railroad companies;

AND, WHEREAS, There are good reasons for believing that said corporate bodies have realized vast sums of money therefrom;

AND, WHEREAS, The continuation of said legislation would before long deprive the nation of much of the public domain; therefore,

*Be it Resolved by the House*, (the Senate concurring) That our Representatives be requested and our Senators instructed to oppose with their votes and influence any further donations of the public lands to any private corporation, unless, in their judgment, the necessity be imperious.

Mr. Sansbury moved to amend by striking out the words "unless, in their judgment, the necessity be imperious."

Which was accepted by Mr. Major.

Mr. Furnas moved to refer to committee on federal relations.

Mr. Ruddell moved to lay on the table.

Which was not agreed to.

The question recurring on the motion to refer to the committee on federal relations,

It was not agreed to.

The question being on the adoption of the resolution,

It was agreed to.

Mr. Cunningham offered the following resolution:

WHEREAS, In accordance with an act of the Legislature, approved February 19, 1867, authorizing the State Librarian to furnish all articles, prior to and during the session of the General Assembly, necessary for the use of the same; therefore,

*Be it Resolved*, That the State Librarian be authorized to furnish each member with a set of the Revised Statutes of this State.

Which was agreed to.

Mr. Cauthorn offered the following resolution:

WHEREAS, All the sources of taxation from which revenue is now derived are heavily burdened, and the people are demanding and expecting relief from the General Assembly in every practicable way; and

WHEREAS, A number of insurance companies organized and controlled without this State, are transacting business within the same, whereby the State is annually drained of millions of dollars, in the shape of premiums paid said companies for policies, which is thus withdrawn from the State, and ceases to be a source from which revenue can be derived; and

WHEREAS, Said foreign insurance companies now entirely escape taxation upon their business and receipts; therefore,

*Resolved*, That the committee of ways and means is hereby ordered and directed to inquire into the propriety of taxing, as other property, the gross receipts of all foreign insurance companies doing

business in this State, and derived through agencies located therein, and to report to this House without delay, by bill or otherwise.

Which was agreed to.

Mr. St. John offered the following:

*Resolved*, That John O. Hardesty, Assistant Clerk of the last House of Representatives, be allowed five days' pay and mileage, for assisting in the organization of the present House of Representatives.

Which was agreed to.

Mr. Martin of Putnam offered the following:

*Resolved*, That Wm. H. Burk, Assistant Doorkeeper of the last House, be allowed five dollars per day for three days, and mileage from his home for services in perfecting the organization of this House; and that the Speaker be directed to issue his warrant for the same, payable out of any moneys that shall hereafter be appropriated to defray the expenses of this General Assembly.

Which was agreed to.

Mr. Kennedy introduced

House Bill No. 37. Entitled an act providing for and describing the manner of selling real estate, or any interest therein, on execution or order of sale, and providing that such sales may be upon credit.

Which was read a first time.

Mr. Guthrie introduced

House Bill No. 38. An act to legalize the official acts of the Board of Trustees of the town of Gosport, Owen county, Indiana.

Which was read a first time.

Mr. Martin of Putnam moved that the rules be suspended, and that the bill be read a second time.

The ayes and noes were demanded by Messrs. Martin of Putnam and Guthrie.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Hendry,	Sansberry,
Ballenger,	Hill,	Sayers,
Beeler,	Hooker,	Simpson,
Biggs,	Hynes,	Shutt,
Browning,	Kennedy,	Stephens,
Barnaby,	Knight,	St. John,
Bruner,	Lines,	Stone,
Caldwell,	Major,	Strickland,
Calkins of Fulton,	Martin of Putnam,	Tarlton,
Calkins of Porter,	McDonald,	Taughinbaugh,
Copner,	McDowell,	Taylor,
Curtis,	McFarland,	Tebbs,
Deputy,	McGowan,	Walker,
Donham,	Minick,	Washburn,
Friedley,	Miles,	Williams,
Furnas,	Mitchell,	White,
Guthrie,	Neff,	Wilson,
Hartley,	Netherton,	Wood,
Hawley,	Oatley,	Woodward,
Haynes,	Rawles,	Zenor,
Heilman,	Rhodes,	Mr. Speaker—65.
Henderson,	Sabin,	

*Those who voted in the negative were, Messrs.*

Britton,	Gentry,	Monroe,
Butterworth,	Gordon of Boone,	Montgomery,
Cauthorn,	Gordon of Cass,	Myers,
Coggsell,	Hardin,	Snodgrass,
Conner,	Holland,	Stanley,
Cox,	King,	Warrum,
Cunningham,	Kirkpatrick,	Weekly,
Defrees,	Martin of Wayne,	Wymer—26.
Gallentine,	Millikan,	

So the rules were suspended, and the bill read a second time.

The bill was then read a third time, and put upon its passage.

The question being, shall the bill pass?



*Those who voted in the affirmative were, Messrs.*

Abbett,	Heilman,	Ray,
Ballenger,	Henderson,	Rhodes,
Beeler,	Hendry,	Rice,
Biggs,	Hill,	Ruddell,
Browning,	Holland,	Sabin,
Bruner,	Hooker,	Sansberry,
Butterworth,	Hynes,	Sayers,
Caldwell,	Kennedy,	Simpson,
Calkins of Fulton,	King,	Shutt,
Calkins of Porter,	Kirkpatrick,	Snodgrass,
Cauthorn,	Knight,	Stanley,
Coggsell,	Lines,	Stephens,
Conner,	Logan,	Stephenson,
Copner,	Major,	St. John,
Curtis,	Martin of Wayne,	Stone,
Defrees,	Martin of Putnam,	Strickland,
Deputy,	McDonald,	Tarlton,
Devol,	McDowell,	Taughinbaugh,
Donham,	McGowan,	Taylor,
Friedly,	Minick,	Tebbs,
Furnas,	Miles,	Walker,
Gallentine,	Millikan,	Washburn,
Gentry,	Mitchell,	Warrum,
Goble,	Monroe,	Weekly,
Gordon of Boone,	Montgomery,	White,
Gordon of Cass,	Myers,	Wilson,
Guthrie,	Neff,	Wymer,
Hardin,	Netherton,	Wood,
Hartley,	Oatley,	Woodward,
Hawley,	Rawles,	Zenor—91.
Haynes,		

*Those who voted in the negative were, Messrs.*

Britton,	Cunningham—2.
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So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered*, That the Clerk inform the Senate of the passage of the bill.

Mr. Hawley moved that the House do now adjourn.

Which was agreed to, and

The House stood adjourned until 2 o'clock.

WEDNESDAY AFTERNOON, 2 O'CLOCK P. M.

The House met.

Mr. Warrum introduced

House Bill No. 39. An act to legalize the acts of the several boards of trustees of the town of Fortville, Hancock county, Indiana, and all other officers of said corporation, defining their powers, etc.

Which was read a first time; and,

On motion,

Referred to the committee on corporations.

A message from His Excellency, the Governor, by Mr. Commons, his private secretary :

EXECUTIVE DEPARTMENT,  
INDIANAPOLIS, January 10, 1871.

**MR. SPEAKER:**

By direction of the Governor, I have the honor to transmit herewith a communication and accompanying documents relating to the Wabash and Erie Canal stock.

JOHN M. COMMONS,  
Private Secretary.

EXECUTIVE DEPARTMENT,  
INDIANAPOLIS, January 10, 1871.

*Gentlemen of the Senate and House of Representatives:*

I yesterday received a communication, in writing, from A. Gracie King, Esq., and others, acting as a committee on behalf of the

holders of the certificates of stock charged upon the Wabash and Erie Canal, transmitting to me copies of a printed memorial addressed to the General Assembly, on behalf of the holders of said certificates of stock, and requesting me to present the same to the General Assembly, accompanied by such remarks upon the claims represented by the committee as I might deem fitting.

In compliance with the request contained in the communication, I herewith transmit one copy of the printed memorial to the Senate and another to the House of Representatives.

I also transmit herewith a copy of said written communication, addressed to myself by said committee, to each House of the General Assembly.

Having so recently fully presented to you my views on the questions involved, I deem it unnecessary now to re-discuss these questions, except to say that I can not recommend, but will in all proper ways, and upon all proper occasions, oppose the submission of the State's liability for the payment of these canal stocks to any judicial tribunal, State or Federal. The eleventh amendment to the Constitution of the United States prevents the Federal Courts from entertaining jurisdiction of a suit against a State, and the consent of the State would not confer such jurisdiction.

It may also well be doubted whether, under the Constitution of the State, the claims of the holders of these canal stocks, could be submitted for adjudication to any of the State Courts. If, however, the proposition were free from all constitutional difficulties, the people of Indiana are competent to decide the questions involved for themselves, and nothing should be done to withdraw the decision of these questions from the jurisdiction of this sovereign tribunal.

CONRAD BAKER.

OFFICE OF THE COMMITTEE OF INDIANA BONDHOLDERS,

54 William Street, New York,

December 30, 1870.

TO HIS EXCELLENCY CONRAD BAKER:

*Governor of the State of Indiana.*

SIR: We have the honor to hand herewith a memorial addressed to the General Assembly of the State of Indiana by the committees representing the holders of the stock of Indiana, commonly called Wabash and Erie Canal Certificates; and to request of your Excel-

lency to present the same to the General Assembly, accompanied by such remarks upon the claims we represent as you may deem fitting. You will perceive that, in case the General Assembly should not consider itself at liberty to afford such relief as we think the holders are equitably entitled to, we have requested of them to grant us permission to test before some competent tribunal, the questions at issue between us. We would add that the holders we represent (and of whom we are prepared to furnish a list) are almost without exception, those who were holders of the original bonds surrendered under the acts of 1846-7, and who advanced their money to the State of Indiana in her adversity, to enable her to complete the Wabash and Erie Canal, her then popular project of internal improvement.

With the highest consideration of respect,

We are sir, your obed't serv'ts,

GEORGE MOSLE,  
AUGUST BELMONT,  
JAMES TINKER,  
A. GRACIE KING,

New York Com. representing the holders of Ind. Canal Certificates.  
By A. GRACIE KING, Chairman.

The following is the memorial of the holders of Certificates of stock of the Wabash and Erie Canal, issued by the State of Indiana:

*To the General Assembly of the State of Indiana:*

The undersigned committees, representing the holders, both foreign and domestic, of the stock of the State of Indiana, secured by a lien on the Wabash and Erie Canal, are instructed to ask your attention to the provisions of the acts under which the certificates were issued, to the present condition of the security, and of the stock for which it was placed in trust, with the view of obtaining from you such relief as in justice and equity the bond-holders may be entitled to.

The preamble to the act of 1846 is to the following effect:

“WHEREAS, Honor and justice alike require that such equitable provision should be speedily made for the discharge of the pecuniary obligations of the State as shall be just and acceptable to its creditors, honorable to the people of Indiana, and at the same time within the ability of the State, without further involving the people in a general debt; AND WHEREAS, an arrangement, based upon a moderate system of taxation, and completion of the Wabash and Erie

Canal to Evansville, it is believed will secure the objects aforesaid; AND WHEREAS, in order to insure so desirable a result, a large portion of our bond-holders have manifested a willingness to aid in the completion of said canal, within the ensuing four years, to the Ohio River; AND WHEREAS, this proposition embraces, as a general arrangement, the payment, by taxation, of two-and-a-half per cent. on the unprovided public debt of the State, and a reliance for the remaining two-and-a-half per cent. on the lands, tolls, and water rents of said Wabash and Erie Canal (after paying expenses of construction and repairs,) thereby greatly relieving the people of Indiana from burdensome taxation, and virtually discharging them from any liability for the said remaining interest, and looking alone to the said canal, its tolls and other revenues, for half the interest on said entire public debt; AND WHEREAS, there is reason to believe that the plan embraced in the following provisions is entirely within the means of the State successfully to accomplish—that it will be acceptable to our creditors—honorable to the people represented by this General Assembly, and will add to the wealth, prosperity and advancement of Indiana: Therefore, BE IT ENACTED,” etc., etc.

The act of 1846 in its enacting clauses embodied the basis on which it was proposed to adjust the debt, viz., by dividing the interest only, as set forth in the preamble, one-half to be paid by taxation, and one-half by the canal tolls, revenues, etc. By the 32d section of the same act, the State reserved, however, the option of dividing the principal, also, by calling in, at her pleasure, the certificates which were to be first issued under the 1st section of the act, and issuing, in lieu thereof, two certificates for the principal, one chargeable on taxation and the other chargeable on the canal, its tolls, revenues, etc.

This option was exercised in the first section of the supplementary act of 1847, and the certificates were then issued in the form in which they now exist; as the bond-holders, by this provision of the act (sec. 32,) were to look to the canal, its tolls and revenues exclusively as a security for the payment of the one-half of both principal and interest of the original debt, they required more specific guarantees and covenants for the protection of the security thus provided than were contained in the act of 1846. Hence, for this purpose and also to supply other deficiencies in that act, the act of 1847 was passed, which contains, among others, the following sections, viz.:

Section 14, act of 1847, declares that "in order to demonstrate the good faith of Indiana, and for the removal of all doubts, and with a view to create general confidence in the arrangements made by the State for the liquidation of its debts, be it enacted, that the tolls, revenues and profits of the said canal and its appurtenances, present and future, etc., etc., shall remain and be inviolate and in full force; and the payment of the principal moneys and the interest on the certificates and stock intended to be created pursuant to the said act and this act, and all the certificates and evidences of the title thereof, respectively, shall be and continue effectual and inviolate by the means aforesaid, until the objects and purposes of the said act, and of this present act, shall be fully accomplished."

Section 22 declares: "The debt which it is the object of the trust created by the said recited act (as amended by this act) to liquidate, as in the said act is mentioned, having been contracted under the authority of the State of Indiana, and for the service of the people of that State, and it being desirable, as well for the credit of the State, as also to establish confidence in the public in general, and the subscribers in particular [meaning the subscribers to the advance for the completion of the canal to Evansville,] to secure the utmost punctuality in the fulfillment of the objects of the said trust, it is hereby declared, that the tolls and revenues of the said canal, present and future, and the lands and lots so conveyed or intended to be conveyed, as hereinbefore mentioned, and the proceeds thereof, when sold, shall be, and the same are hereby specially pledged, to form a distinct and particular fund for the redemption of the stock and certificates to be issued in pursuance of the said recited act and of this act; and the said State shall not direct or permit any appropriation to be made of such tolls and revenues, lands and proceeds, or any of them, for the general purposes of the State, or otherwise howsoever, other than, and except for the purposes of the said trust, as directed by the said act (as amended by this act,) until the said stock and certificates, and all interest thereon, shall have been fully paid and satisfied out of the tolls and revenues of the said canal, or the State shall have redeemed said stock and certificates by the payment of the principal thereof; the right of doing which, after twenty years, from the nineteenth day of January, 1846, is hereby reserved by the State, as provided in the act to which this is an amendment."

These were positive and comprehensive covenants, not only restraining the State from every kind and degree of interference with

the present and prospective revenues of the canal, which were the sole security and reliance of the creditors, but imposing upon it also the most sacred obligations to maintain that security and reliance, unchanged in character and unimpaired in value, until their debt was paid.

They were assurances and pledges of good faith by the State of Indiana to her creditors, *which constituted the very essence of the contract*, which were required by the nature of that security, and were expressly designed to establish the confidence of the bondholders in particular and the public in general in the arrangement, and to induce the former to believe that they would be justified in surrendering their bonds, taking in lieu thereof the new securities, and in advancing large sums of money for the prompt and effective completion of the canal.

All these provisions were evidently inserted, not only to demonstrate the good faith with which the State of Indiana intended to provide for the full and complete payment of her existing indebtedness, principal and interest, but also to assure her creditors that if they complied (as they have done) with their part of the contract, she, on her part, would neither do, permit, nor suffer any act tending to diminish, divert or interfere with the tolls, revenues, etc., of the canal.

The subsequent enactment of a general Railroad Law, which enabled competing lines of railroads to destroy the revenues of the canal, has interfered with and absolutely prevented the carrying into effect the provisions of the bill of 1846-'47, and the holders of the canal certificates, by no fault of their own, have been deprived of the security which the State had set apart for their benefit. And although they have received from the State payment of one-half of the debt originally held by them in 1847, they have yet on hand, practically valueless, one-half of the said original debt, with accrued interest unpaid, unprotected, and unprovided for.

The claim, therefore, of the bond-holders is predicated on this breach of faith on the part of the State, whereby the security pledged for the payment of their debt, and on which they relied, was destroyed. They also claim that, if the State has violated that proviso of section 8 of the Act of 1847, which declares "that the State will make no provision whatever hereafter to pay either principal or interest on any internal improvement bond or bonds until the holder or holders thereof shall have first surrendered said bonds to the Agent of State, and shall have received, in lieu thereof,

certificates of stock, as provided in the first section of this act, anything in this act to the contrary notwithstanding," by the payment of any of the internal improvement bonds then outstanding, principal and interest, that in law and equity she is bound to do equal justice to all other of the creditors.

In submitting this brief memorial, we declare our conviction that the time has arrived for a full and fair understanding of the claims of the canal certificate holders, and how far they are entitled to consideration and recognition. While those we represent have no doubt that they have a just claim against the State of Indiana for the payment of these certificates, with arrears of interest, according to the terms of the act, we are aware that a portion of the people of your State entertain an opposite view, and consider that the Wabash and Erie Canal was taken by the bond-holders in full payment of one-half of the old State bonds, issued from 1832 to 1839. This interpretation, however, we do not consent to. We regard it as utterly repugnant to the plain letter of the acts. In order, therefore, to remove all doubts on this point, and to prove to your honorable body and to your constituents that the bond-holders desire nothing from you but what they are justly entitled to, and, anxious as we are to dispose of this entire question on the highest ground of justice to the State, her people, and the claimants, we respectfully ask that, if you are not willing to grant the relief asked for, your honorable body will consent to submit the question of the State's liability in the premises, and the stock-holders' rights, to such judicial tribunal as your honorable body may select, and by whose decision we are willing to abide.

All of which is respectfully submitted.

NEW YORK, December, 1870.

For Messrs. DENT, PALMER & Co.,

For Messrs. N. M. ROTHSCHILD & SONS,

For Messrs. BARING, BROTHERS & Co.,

For Messrs. FREDERICK HUTH & Co.,

London Com., representing the holders of Ind. Canal Certificates.

For Estate of GEORGE PEABODY.

GEORGE MOSLE,

AUGUST BELMONT,

JAMES TINKER,

A. GRACIE KING,

New York Com., representing the holders of Ind. Canal Certificates.



Mr. Stone introduced

House Bill No. 40. An act to amend Section 7, Chapter 170, of an act entitled "An act providing for the election or appointment of Supervisors of Highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," approved March 5, 1859.

Which was read a first time; and,

On motion,

Referred to the committee on highways.

Mr. Lines introduced

House Bill No. 41. An act to amend sections 3, 18, and 26, of an act entitled "An act regulating descents and apportionments of estates," approved May 14, 1852, and repealing all laws conflicting with the provisions of this act.

Which was read a first time; and,

On motion,

Referred to the committee on judiciary.

Mr. Simpson asked and obtained the unanimous consent of the House to offer the following resolution:

*Resolved*, That in pursuance of a joint resolution heretofore adopted, the Senate be requested to unite with the House in joint convention, for the election of officers to be elected, at 2½ o'clock p. m., to-day, and that provision be made for the seating of the Senate on the right of the Speaker, and that the Senate be notified of the action of the House.

Which was agreed to.

Mr. Curtis introduced

House Bill No. 42. An act to amend Section 11 of "An act to allow county officers to organize turnpike companies," etc.

Which was read a first time; and,

On motion,

Referred to the committee on roads and highways.

Mr. Gordon of Cass introduced

House Bill No. 43. An act to provide for the holding of Roman Catholic churches, cemeteries, colleges, and other property.

Which was read a first time; and,

On motion,

Referred to committee on corporations; when,

On motion of Mr. Williams,

The House took a recess until 2½ o'clock, P. M.

2½ O'CLOCK P. M.

#### SPECIAL ORDER FOR THE DAY.

The hour of 2:30 having arrived, being the time fixed by the two Houses for the election of State Printer, and other officers, the members of the Senate came into the hall of the House of Representatives, and were seated on the right of the Speaker.

The Hon. Will Cumback, Lieutenant Governor and President of the Senate, took the chair, and called the joint convention to order.

The Lieutenant Governor directed a call of the Senate.

*Those who answered to their names were, Messrs.*

Alsop,	Cave,	Glessner,
Andrews,	Caven,	Gray,
Armstrong,	Collett,	Green,
Beardsley,	Denbo,	Gregg,
Beeson,	Dittemore,	Hadley,
Beggs,	Dougherty,	Hamilton,
Bobo,	Dwiggins,	Henderson,
Bradley,	Elliott,	Hess,
Brown,	Fosdick,	Hooper,
Carnahan,	Francisco,	Hubbard,
Case,	Fuller,	Hughes,

Johnson,	Robinson,	Straud,
Keigwin,	Rosebrough,	Taylor,
Lasselle,	Sarninghausen,	Wadge,
Martindale,	Scott,	Williams,
Miller,	Steele,	Wood—49.
Morgan,		

The Lieutenant Governor then ordered a call of the House.

*Those who answered to their names were, Messrs.*

Abbett,	Hardin,	Neff,
Ballenger,	Hartley,	Netherton,
Beeler,	Hawley,	Oatley,
Biggs,	Haynes,	Rawles,
Britton,	Heilman,	Ray,
Browning,	Henderson,	Rhodes,
Barnaby,	Hendry,	Rice,
Bruner,	Hill,	Ruddell,
Butterworth,	Holland,	Sabin,
Caldwell,	Hooker,	Sansberry,
Calkins of Fulton,	Hynes,	Sayers,
Calkins of Porter,	Kennedy,	Schoenemann,
Cauthorn,	King,	Simpson,
Cogswell,	Kirkpatrick,	Shutt,
Conner,	Knight,	Snodgrass,
Copner,	Lines,	Stanley,
Cox,	Logan,	Stephens,
Cunningham,	Major,	Stephenson,
Curtis,	Martin of Wayne,	St. John,
Defrees,	Martin of Putnam,	Stone,
Deputy,	McDonald,	Strickland,
Devol,	McDowell,	Tarlton,
Donham,	McFarland,	Taughinbaugh,
Friedley,	McGowan,	Taylor,
Furnas,	Minick,	Tebbs,
Galentine,	Miles,	Walker,
Gentry,	Millikan,	Washburn,
Goble,	Mitchell,	Warrum,
Gordon of Boone,	Monroe,	Weekly,
Gordon of Cass,	Montgomery,	Williams,
Guthrie,	Myers,	White,

Wilson,	Wood,	Zenor,
Wymer,	Woodward,	Mr. Speaker—99.

By consent, further proceedings under the call were dispensed with.

The Lieutenant Governor then said, in the regular order of business, nominations would be in order for State Printer.

Senator Brown put in nomination Richard J. Bright for that office.

Mr. St. John put in nomination L. W. Hasselman for that office.

There being no further nominations, the clerk proceeded to call the roll.

*Those who voted for Mr. Bright on the part of the Senate, were, Messrs.*

Alsop,	Dittemore,	Johnson,
Armstrong,	Dougherty,	Keigwin,
Beggs,	Francisco,	Lasselle,
Bobo,	Fuller,	Morgan,
Bradley,	Glessner,	Rosebrough,
Brown,	Gregg,	Sarninghausen,
Carnahan,	Henderson,	Straud,
Cave,	Hughes,	Williams—25.
Denbo,		

*On the part of the House, those voting for Mr. Bright were, Messrs.*

Abbett,	Donham,	Hynes,
Britton,	Gallentine,	Logan,
Browning,	Gentry,	McDonald,
Barnaby,	Goble,	McDowell,
Bruner,	Gordon of Cass,	McFarland,
Caldwell,	Guthrie,	McGowan,
Cauthorn,	Hardin,	Minick,
Coggsell,	Hartley,	Miles,
Copner,	Hawley,	Mitchell,
Cox,	Haynes,	Montgomery,
Cunningham,	Henderson,	Neff,
Curtis,	Hendry,	Oatley,
Devol,	Holland,	Ray,

Rice,	Stanley,	Walker,
Robertson,	Stephens,	Warrum,
Sansberry,	Tarlton,	Zenor, and
Simpson,	Taughinbaugh,	Mr. Speaker—53.
Shutt,	Tebbs,	

*Those who voted for Mr. Hasselman, on the part of the Senate, were,*  
*Messrs.*

Andrews,	Fosdick,	Martindale,
Beardsley,	Gray,	Miller,
Beeson,	Green,	Robinson,
Case,	Hadley,	Scott,
Caven,	Hamilton,	Steele,
Collett,	Hess,	Taylor,
Dwiggins,	Hooper,	Wadge,
Elliott,	Hubbard,	Wood—24.

*Those voting for Mr. Hasselman on the part of the House, were,*  
*Messrs.*

Ballenger,	King,	Schoenemann,
Beeler,	Kirkpatrick,	Snodgrass,
Biggs,	Knight,	Stephenson,
Butterworth,	Lines,	St. John,
Calkins of Fulton,	Major,	Stone,
Calkins of Porter,	Martin of Wayne,	Strickland,
Conner,	Martin of Putnam,	Taylor,
Defrees,	Millikan,	Washburn,
Deputy,	Monroe,	Weekly,
Friedley,	Myers,	Williams,
Furnas,	Netherton,	White,
Gordon of Boone,	Rawles,	Wilson,
Heilman,	Rhodes,	Wymer,
Hill,	Ruddell,	Wood,
Hooker,	Sabin,	Woodward—47.
Kennedy,	Sayers,	

Whole number of votes received by Mr. Bright:

On the part of the Senate.....	25
On the part of the House.....	53
Total vote for Bright.....	78

Whole number of votes received by Mr. Hasselman :

On the part of the Senate.....	24
On the part of the House.....	47
	—
Total vote for Hasselman.....	71

Whole number of votes cast one hundred and forty-nine (149.)

Necessary to a choice seventy-five (75.)

Mr. Richard J. Bright having received a majority of all the votes cast, the President of the Senate declared him duly elected to the office of State Printer, for the term prescribed by law.

The Lieutenant Governor announced that the next in order would be the election of Canal Trustee.

Senator Bobo put in nomination James V. Mitchell for that office.

Mr. St. John put in nomination Robert H. Milroy for that office.

There being no further nominations,

The Clerk proceeded to call the roll.

*Those voting for Mr. Mitchell, on the part of the Senate, were, Messrs.*

Alsop,	Dittemore,	Johnson,
Armstrong,	Dougherty,	Keigwin,
Beggs,	Elliott,	Lasselle,
Bobo,	Francisco,	Morgan,
Bradley,	Fuller,	Rosebrough,
Brown,	Glessner,	Sarninghausen,
Cornahan,	Gregg,	Straud,
Cave,	Henderson,	Williams—26.
Denbo,	Hughes,	

*Those who voted for Mr. Mitchell, on the part of the House, were, Messrs.*

Abbett,	Bruner,	Copner,
Britton,	Caldwell,	Cox,
Browning,	Cauthorn,	Cunningham,
Barnaby,	Cogswell,	Curtis,

Devol,	Hines,	Rice,
Donham,	Logan,	Robertson,
Gallentine,	Major,	Sansberry,
Gentry,	McDonald,	Simpson,
Goble,	DeDowell,	Shutt,
Gordon of Cass,	McFarland,	Stanley,
Guthrie,	McGowan,	Stephens,
Hartley,	Minick,	Tarleton,
Hardin,	Miles,	Taughinbaugh,
Hawley,	Mitchell,	Tebbs,
Haynes,	Montgomery,	Walker,
Henderson,	Neff,	Warrum,
Hendry,	Oatley,	Zenor, and
Holland,	Ray,	Mr. Speaker—54.

*Those who voted for Mr. Milroy, on the part of the Senate, were,  
Messrs.*

Andrews,	Gray,	Miller,
Beardsley,	Green,	Robinson,
Beeson,	Hadley,	Scott,
Case,	Hamilton,	Steele,
Caven,	Hess,	Taylor,
Collett,	Hooper,	Wadge,
Dwiggins,	Hubbard,	Wood—23.
Fosdick,	Martindale,	

*Those who voted for Mr. R. H. Milroy, on the part of the House,  
were, Messrs.*

Ballenger,	Gordon of Boone,	Monroe,
Beeler,	Heilman,	Myers,
Biggs,	Hill,	Netherton,
Butterworth,	Hooker,	Rawles,
Calkins of Fulton,	Kennedy,	Rhodes,
Calkins of Porter,	King,	Ruddell,
Conner,	Kirkpatrick,	Sabin,
Defrees,	Knight,	Sayers,
Deputy,	Lines,	Schoenemann,
Friedly,	Martin of Wayne,	Snodgrass,
Furnas,	Millikan,	Stephenson,

St. John,	Washburn,	Wilson,
Stone,	Weakly,	Wymer,
Strickland,	Williams,	Wood,
Taylor,	White,	Woodward—46.

Whole number of votes received by Mr. Mitchell:

On the part of the Senate.....	26
On the part of the House .....	54
	—
Total vote for Mitchell.....	80

Whole number of votes received by Mr. Milroy:

On the part of the Senate.....	23
On the part of the House.....	46
	—
Total vote for Milroy.....	69

Whole number of votes cast, one hundred and forty-nine.

Necessary to a choice seventy-five.

Mr. James V. Mitchell having received a majority of all the votes cast, the President of the Senate declared him duly elected to the office of Canal Trustee for the term prescribed by law.

The Lieutenant Governor announced the next in order would be the election of a State Librarian.

Mr. Tebbs put in nomination Mr. James DeSanno for that office.

Mr. St. John put in nomination Moses G. McLain for that office.

There being no further nomination,  
The Clerk proceeded to call the roll.

*On the part of the Senate, those who voted for Mr. DeSanno were Messrs.*

Alsop,	Brown,	Dougherty,
Armstrong,	Carnahan,	Francisco,
Beggs,	Cave,	Fuller,
Bobo,	Denbo,	Glessner,
Bradley,	Dittemore,	Gregg,



Henderson,	Lasselle,	Sarninghausen,
Hughes,	Morgan,	Straud,
Johnson,	Rosebrough,	Williams—25.
Keigwin,		

*On the part of the House, those who voted for Mr. DeSanno, were, Messrs.*

Abbett,	Guthrie,	Neff,
Britton,	Hardin,	Oatley,
Browning,	Hartley,	Ray,
Barnaby,	Hawley,	Rice,
Bruner,	Haynes,	Robertson,
Caldwell,	Henderson,	Sansberry,
Cauthorn,	Hendry,	Simpson,
Coggsell,	Holland,	Shutt,
Copner,	Hynes,	Stanley,
Cox,	Logan,	Stephens,
Cunningham,	McDonald,	Tarlton,
Curtis,	McDowell,	Taughinbaugh,
Devol,	McFarland,	Tebbs,
Donham,	McGowan,	Walker,
Gallentine,	Minick,	Warrum,
Gentry,	Miles,	Zenor,
Goble,	Mitchell,	Mr. Speaker—53.
Gordon of Cass,	Montgomery,	

*On the part of the Senate, those who voted for Mr. McLain were, Messrs.*

Andrews,	Fosdick,	Martindale,
Beardsley,	Gray,	Miller,
Beeson,	Green,	Robinson,
Case,	Hadley,	Scott,
Caven,	Hamilton,	Steele,
Collett,	Hess,	Taylor,
Dwiggins,	Hooper,	Wadge,
Elliott,	Hubbard,	Wood—24.

*On the part of the House, those who voted for Mr. McLain were, Messrs.*

Ballenger,	Beeler,	Biggs,
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Butterworth,	Knight,	Snodgrass,
Calkins of Fulton,	Lines,	Stephenson,
Calkins of Porter,	Major,	St. John,
Conner,	Martin of Wayne,	Stone,
Defrees,	Martin of Putnam,	Strickland,
Deputy,	Millikan,	Taylor,
Friedley,	Monroe,	Washburn,
Furnas,	Myers,	Weekly,
Gordon of Boone,	Netherton,	Williams,
Heilman,	Rawles,	White,
Hill,	Rhodes,	Wilson,
Hooker,	Ruddell,	Wymer,
Kennedy,	Sabin,	Wood,
King,	Sayers,	Woodward—47.
Kirkpatrick,	Schoenemann,	

Whole number of votes cast for Mr. DeSanno :

On the part of the Senate.....	25
On the part of the House.....	53
	—
Total for DeSanno.....	78

Whole number of votes cast for Mr. McLain :

On the part of the Senate.....	24
On the part of the House.....	47
	—
Total for McLain.....	71

Whole number of votes cast, one hundred and forty-nine.

Necessary to a choice seventy-five.

Mr. James DeSanno having received a majority of all the votes cast, the President of the Senate declared him duly elected to the office of State Librarian for the term prescribed by law.

The Lieutenant Governor announced the next in order to be the election of Directors of the Southern State Prison.

Senator Brown moved that the convention proceed first to the election of a Director to fill the vacancy occasioned by the expiration of the term for which Mr. Meredith was elected in 1867.

Which was agreed to.

Senator Brown put in nomination Levi Sparks, for that office.

Mr. St. John put in nomination George C. Clark for that office.

There being no further nominations,

The Clerk proceeded to call the roll.

*Those who voted for Mr. Sparks, on the part of the Senate were, Messrs.*

Alsop,	Dittemore,	Johnson,
Armstrong,	Dougherty,	Keigwin,
Beggs,	Francisco,	Lasselle,
Bobo,	Fuller,	Morgan,
Bradley,	Glessner,	Rosebrough,
Brown,	Gregg,	Sarninghausen,
Carnahan,	Henderson,	Straud,
Cave,	Hughes,	Williams—25.
Denbo,		

*Those who voted for Mr. Levi Sparks, on the part of the House were, Messrs.*

Abbott,	Guthrie,	Neff,
Britton,	Hardin,	Oatley,
Browning,	Hartley,	Ray,
Barnaby,	Hawley,	Rice,
Bruner,	Haynes,	Robertson,
Caldwell,	Henderson,	Sansberry,
Cauthorn,	Hendry,	Simpson,
Coggsell,	Holland,	Schutt,
Copner,	Hynes,	Stanley,
Cox,	Logan,	Stephens,
Cunningham,	McDonald,	Tarlton,
Curtis,	McDowell,	Taughinbaugh,
Devol,	McFarland,	Tebbs,
Donham,	McGowan,	Walker,
Gallentine,	Minick,	Warrum,
Gentry,	Miles,	Zenor, and
Goble,	Mitchell,	Mr. Speaker—53.
Gordon of Cass.	Montgomery,	

*Those who voted for Mr. Clark, on the part of the Senate were, Messrs.*

Andrews,	Beardsley,	Beeson,
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Case,	Green,	Miller,
Caven,	Hadley,	Robinson,
Collett,	Hamilton,	Scott,
Dwiggins,	Hess,	Steele,
Elliott,	Hooper,	Taylor,
Fosdick,	Hubbard,	Wadge,
Gray,	Martindale,	Wood—24.

*Those who voted for Mr. Clark, on the part of the House were, Messrs.*

Ballenger,	King,	Schoenemann,
Beeler,	Kirkpatrick,	Snodgrass,
Biggs,	Knight,	Stephenson,
Butterworth,	Lines,	St. John,
Calkins of Fulten,	Major,	Stone,
Calkins of Porter,	Martin of Wayne,	Strickland,
Conner,	Martin of Putnam,	Taylor,
Defrees,	Millikan,	Washburn,
Deputy,	Monroe,	Weekly,
Friedly,	Myers,	Williams,
Furnas,	Netherton,	White,
Gordon of Boone,	Rawles,	Wilson,
Heilman,	Rhodes,	Wymer,
Hill,	Ruddell,	Wood,
Hooker,	Sabin,	Woodward—47.
Kennedy,	Sayers,	

On the part of the Senate,

The whole number of votes for Mr. Sparks.....	25
On the part of the House.....	53
	—
Total vote for Mr. Sparks.....	78

On the part of the Senate,

The whole number of votes for Mr. Clark.....	24
On the part of the House.....	47
	—
Total vote for Mr. Clark.....	71

Whole number of votes cast one hundred and forty-nine (149.)

Necessary to a choice seventy-five (75.)

Levi Sparks having received a majority of all the votes cast, the

President of the Senate declared him duly elected to the office of Director of the Southern State Prison, for the term of four years.

Senator Brown then moved the convention proceed to the election of a Director of the Southern State Prison, to fill the vacancy occasioned by the expiration of the term for which Mr. Gee was elected in 1867.

Senator Green offered the following protest and resolution :

WHEREAS, By the act of February 5th, 1857, entitled an act to provide for the government of the State Prison, etc., provides in section 2, There shall be elected by the General Assembly of the State of Indiana, at the present session thereof, three Directors of the State Prison, one of whom shall hold his office for two years, and two of whom shall hold their offices for four years from and after their election as aforesaid and until their respective successors shall be elected or appointed, and qualified. After the first election of directors as aforesaid as the term of office of any director shall expire, his successor shall be elected in like manner for the term of four years and until his successor shall be elected and qualified.

AND WHEREAS, At the last regular session of this General Assembly W. M. Curry, was duly elected for the term of four years, and at the special session afterwards Robert S. Heiskell, was duly elected also a director. Therefore be it

*Resolved*, That in the opinion of this convention, that but one vacancy now exists to be filled at this time.

Which was not agreed to.

The question recurring on the motion of Senator Brown,  
It was agreed to.

Mr. Simpson put in nomination John Kirk for that office.

There being no further nominations,

The Clerk proceeded to call the roll.

*Those who voted for Mr. John Kirk, on the part of the Senate, were,*  
*Messrs.*

Alsop,	Bradley,	Denbo,
Armstrong,	Brown,	Dittemore,
Beggs,	Carnahan,	Dougherty,
Bobo,	Cave,	Francisco,

Fuller,	Johnson,	Rosebrough,
Glessner,	Keigwin,	Sarninghausen,
Gregg,	Lasselle,	Straud,
Henderson,	Morgan,	Williams—25.
Hughes,		

*The following Senators were present, but declined voting: Messrs.*

Andrews,	Gray,	Miller,
Beardsley,	Green,	Robinson,
Beeson,	Hadley,	Scott,
Caven,	Hamilton,	Steele,
Collett,	Hess,	Taylor,
Dwiggins,	Hubbard,	Wadge,
Elliott,	Hooper,	Wood—23.
Fosdick,	Martindale,	

*On the part of the House, those who voted for Mr. Kirk were, Messrs.*

Abbett,	Gordon of Cass,	Mitchell,
Britton,	Guthrie,	Montgomery,
Browning,	Hardin,	Neff,
Barnaby,	Hartley,	Oatley,
Bruner,	Hawley,	Rice,
Caldwell,	Haynes,	Simpson,
Cauthorn,	Henderson,	Shutt,
Coggswell,	Hendry,	Stanley,
Copner,	Holland,	Stephens,
Cox,	Hynes,	Tarlton,
Cunningham,	Logan,	Taughinbaugh,
Curtis,	McDonald,	Tebbs,
Devol,	McDowell,	Walker,
Donham,	McFarland,	Warrum,
Gallentine,	McGowan,	Zenor,
Gentry,	Minick,	Mr. Speaker—50.
Goble,	Miles,	

*The following members of the House were present, but declined to vote,  
Messrs.*

Ballenger,	Butterworth,	Conner,
Beeler,	Calkins of Fulton,	Defrees,
Biggs,	Calkins of Porter,	Deputy,

Friedley,	Martin of Putnam,	St. John,
Furnas,	Millikan,	Stone,
Gordon of Boone,	Monroe,	Strickland,
Heilman,	Myers,	Taylor,
Hill,	Netherton,	Washburn,
Hooker,	Rawles,	Weekly,
Kennedy,	Rhodes,	Williams,
King,	Ruddell,	White,
Kirkpatrick,	Sabin,	Wilson,
Knight,	Sayers,	Wymer,
Lines,	Schoeneman,	Wood,
Major,	Snodgrass,	Woodward—47.
Martin of Wayne,	Stephenson,	

Whole number of votes cast for Mr. Kirk:

On the part of the Senate.....	25 votes.
On the part of the House.....	50 votes.
	—
Total vote cast for Mr. Kirk.....	75

Present, but declined voting:

On the part of the Senate.....	24
On the part of the House.....	47
	—
Total not voting.....	71

Total number of votes cast.....	75
Total number present and not voting.....	71
	—

Total number of votes.....	146
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Mr. Kirk having received a majority of all the votes, the Lieutenant Governor declared him duly elected Director of the Southern Prison, for the term of four years, in case a vacancy exists to be filled by this General Assembly.

The Lieutenant Governor then announced the next thing in order to be the election for third Director for the Southern State Prison; whereupon,

Senator Hughes put in nomination Edward Price for that office, it being to succeed Mr. Heiskell, one of the present incumbents.

There being no further nominations,  
The Clerk proceeded to call the roll.

*Those who voted for Mr. Price, on the part of the Senate were, Messrs.*

Alsop,	Dittemore,	Johnson,
Armstrong,	Dougherty,	Keigwin,
Beggs,	Francisco,	Lasselle,
Bobo,	Fuller,	Morgan,
Bradley,	Glessner,	Rosebrough,
Brown,	Gregg,	Sarninghausen,
Carnahan,	Henderson,	Straud,
Cave,	Hughes,	Williams—25
Denbo,		

*Those who voted for Mr. Price, on the part of the House were, Messrs.*

Abbett,	Guthrie,	Neff,
Britton,	Hardin,	Oatley,
Browning,	Hartley,	Ray,
Barnaby,	Hawley,	Rice,
Bruner,	Haynes,	Robertson,
Caldwell,	Henderson,	Sanderson,
Cauthorn,	Hendry,	Simpson,
Coggsell,	Holland,	Shutt,
Copner,	Hynes,	Stanley,
Cox,	Logan,	Stephens,
Cunningham,	McDonald,	Tarleton,
Curtis,	McDowell,	Taughinbaugh,
Devol,	McFarland,	Tebbs,
Donham,	McGowan,	Walker,
Gallentine,	Minick,	Warrum,
Gentry,	Miles,	Zenor,
Goble,	Mitchell,	Mr. Speaker—53.
Gordon of Cass,	Montgomery,	

*The following Senators were present and declined voting, Messrs.*

Andrews,	Collett,	Green,
Beardsley,	Dwiggins,	Hadley,
Beeson,	Elliott,	Hamilton,
Case,	Fosdick,	Hess,
Caven,	Gray,	Hooper,



Hubbard,	Robinson,	Taylor,
Martindale,	Scott,	Wadge,
Miller,	Steele,	Wood—24.

*On the part of the House present and not voting were, Messrs.*

Ballenger.	King,	Schoeneman,
Beeler, .	Kirkpatrick,	Snodgrass,
Biggs,	Knight,	Stephenson,
Butterworth,	Lines,	St. John,
Calkins of Fulton,	Major,	Stone,
Calkins of Porter,	Martin of Wayne,	Strickland,
Conner,	Martin of Putnam,	Taylor,
Defrees,	Millikan,	Washburn,
Deputy,	Monroe,	Weekly,
Friedley,	Myers,	Williams,
Furnas,	Netherton,	White,
Gordon of Boone,	Rawles,	Wilson,
Heilman,	Rhodes,	Wymer,
Hill,	Ruddell,	Wood,
Hooker,	Sabin,	Woodward—47.
Kennedy,	Sayers,	

Total number of votes cast for Mr. Price :

On the part of the Senate.....	25 votes.
On the part of the House.....	53 votes.

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Total number of votes for Mr. Price.....78

Total number present, but not voting :

On the part of the Senate.....	24 votes.
On the part of the House.....	47 votes.

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Total number declining to vote.....71

Total number of votes cast, 78.

Total number present and not voting, 71.

Mr. Price having received a majority of all the votes cast, the Lieutenant Governor declared him duly elected Director for the Southern State Prison, in case a vacancy is found to exist.

The Lieutenant Governor announced the next thing in order to be the election of Directors for the Northern State Prison.

Mr. McDonald put in nomination Gotthelf Block, James J. Smiley and Wilson B. Loughridge for those offices.

Mr. St. John put in nomination Willis Blanch, Isaac W. Hart, and A. D. Hamrick for those offices.

There being no further nominations,

The Clerk proceeded to call the roll.

*Those who voted for Messrs. Block, Smiley, and Loughridge, on the part of the Senate, were, Messrs.*

Alsop,	Dittemore,	Johnson,
Armstrong,	Dougherty,	Keigwin,
Beggs,	Francisco,	Lasselle,
Bobo,	Fuller,	Morgan,
Bradley,	Glessner,	Rosebrough,
Brown,	Gregg,	Sarninghausen,
Carnahan,	Henderson,	Straud,
Cave,	Hughes,	Williams—25.
Denbo,		

*On the part of the House, those who voted for Messrs. Smiley, Block and Loughridge were, Messrs.*

Abbett,	Gallentine,	McDonald,
Britton,	Gentry,	McDowell,
Browning,	Goble,	McFarland,
Barnaby,	Gordon of Cass,	McGowen,
Bruner,	Guthrie,	Minick,
Caldwell,	Hardin,	Miles,
Cauthorn,	Hartley,	Mitchell,
Cogswell,	Hawley,	Montgomery,
Copner,	Haynes,	Neff,
Cox,	Hendry,	Oatley,
Cunningham,	Henderson,	Ray,
Curtis,	Holland,	Rice,
Devol,	Hynes,	Sansbury,
Donham,	Logan,	Simpson,

Shutt,	Taughinbaugh,	Warrum,
Stanley,	Tebbs,	Zenor, and
Stephens,	Walker,	Mr. Speaker—52.
Tarlton,		

*Those who voted for Messrs. Hart, Blanche and Hamrick, on the part of the Senate, were, Messrs.*

Andrews,	Gray,	Miller,
Beardsley,	Green,	Robinson,
Beeson,	Hadley,	Scott,
Case,	Hamilton,	Steele,
Caven,	Hess,	Taylor,
Collett,	Hooper,	Wadge,
Dwiggins,	Hubbard,	Wood—23.
Fosdick,	Martindale,	

*Those who voted for Messrs. Hart, Blanche, and Hamrick, on the part of the House, were, Messrs.*

Ballenger,	King,	Schoeneman,
Beeler,	Kirkpatrick,	Snodgrass,
Briggs,	Knight,	Stephenson,
Butterworth,	Lines,	St. John,
Calkins of Fulton,	Major,	Stone,
Calkins of Porter,	Martin of Wayne,	Strickland,
Defrees,	Millikan,	Taylor,
Deputy,	Monroe,	Washburn,
Friedley,	Myers,	Weekly,
Furnas,	Netherton,	Williams,
Gordon of Boone,	Rawles,	White,
Heilman,	Rhodes,	Wilson,
Hill,	Ruddell,	Wymer,
Hooper,	Sabin,	Wood,
Kennedy,	Sayers,	Woodward—47.

Mr. Martin of Putnam voted for Messrs. Hart, Smiley, and Hamrick—1.

Messrs. Block and Loughridge received—

On the part of the Senate.....	25 votes.
On the part of the House.....	52 votes.
	—
Total for Block and Loughridge.....	77 votes.

Mr. Smiley received—

On the part of the Senate.....	25 votes.
On the part of the House.....	53 votes.
	—
Total.....	78 votes.

On the part of the Senate,

Messrs. Hart and Hamrick received.....	23 votes.
On the part of the House.....	47 votes.
	—
Total.....	70 votes.

On the part of the Senate,

Mr. Blanche received.....	23 votes.
On the part of the House.....	46 votes.
	—
Total.....	69 votes.

Total number of votes cast one hundred and forty-seven.

Necessary to a choice seventy-four.

Messrs. Block, Smiley, and Loughridge having each received majorities of the vote cast, the Lieutenant Governor declared them duly elected Directors of the Northern State Prison for the term prescribed by law.

The Lieutenant Governor announced the next in order to be the election of a Trustee of the Soldiers' Home.

Mr. Neff put in nomination Mr. Ellison Williams for that office.

Mr. Stone put in nomination Mr. Chas. S. Hubbard for that office.

There being no further nominations,  
The Clerk proceeded to call the roll.

*Those who voted for Mr. Williams on the part of the Senate were,  
Messrs.*

Alsop,	Dittemore,	Johnson,
Armstrong,	Dougherty,	Keigwin,
Beggs,	Francisco,	Lasselle,
Bobo,	Fuller,	Morgan,
Bradley,	Glessner,	Rosebrough,
Carnahan,	Gregg,	Sarninghausen,
Cave,	Henderson,	Straud,
Denbo,	Hughes,	Williams—24.

*On the part of the House, those who voted for Mr. Williams were,  
Messrs.*

Abbett,	Guthrie,	Montgomery,
Britton,	Hardin,	Neff,
Browning,	Hartley,	Oatley,
Barnaby,	Hawley,	Ray,
Bruner,	Haynes,	Rice,
Caldwell,	Henderson,	Sansberry,
Cauthorn,	Hendry,	Simpson,
Coggsell,	Holland,	Shutt,
Copner,	Hynes,	Stanley,
Cox,	Logan,	Stephens,
Cunningham,	McDonald,	Tarlton,
Curtis,	McDowell,	Taughinbaugh,
Devol,	McFarland,	Tebbs,
Donham,	McGowan,	Walker,
Gallentine,	Minick,	Warrum,
Gentry,	Millikan,	Zenor,
Goble,	Mitchell,	Mr. Speaker—52.
Gordon of Cass,		

*On the part of the House, those who voted for Mr. Hubbard were,  
Messrs.*

Ballenger,	Calkins of Porter.	Gordon of Boone,
Beeler,	Defrees,	Heilman,
Biggs,	Deputy,	Hill,
Butterworth,	Friedley,	Hooker,
Calkins of Fulton,	Furnas,	Kennedy,
H. J.—10		

King,	Rawles,	Strickland,
Kirkpatrick,	Rhodes,	Taylor,
Knight,	Ruddell,	Washburn,
Lines,	Sabin,	Weekly,
Major,	Sayers,	Williams,
Martin of Wayne,	Schoeneman,	White,
Martin of Putnam,	Snodgrass,	Wilson,
Monroe,	Stephenson,	Wymer,
Myers,	St. John,	Wood,
Netherton,	Stone,	Woodward—45.

*Those who voted for Mr. Hubbard on the part of the Senate were,  
Messrs.*

Andrews,	Gray,	Miller,
Beardsley,	Green,	Robinson,
Beeson,	Hadley,	Scott,
Caven,	Hamilton,	Steele,
Collett,	Hess,	Taylor,
Dwiggins,	Hooper,	Wadge,
Fosdick,	Martindale,	Wood—21.

The total number of votes cast for Mr. Williams:

On the part of the Senate.....	24
On the part of the House.....	52
	—
Total.....	76

The total number of votes cast for Mr. Hubbard:

On the part of the Senate.....	21
On the part of the House.....	45
	—
Total.....	66

Total number of votes cast, one hundred and forty-two.

Necessary to a choice seventy-two.

Mr. Williams having received a majority of all the votes cast, the Lieutenant Governor declared him duly elected Trustee of the Soldiers' Home for the term of four years.

Mr. Guthrie offered the following:

*Resolved*, That when this convention adjourns it will adjourn to meet at 3 o'clock P. M., on Wednesday, four weeks from this day for the purpose of electing an Agent of State, unless said office shall be before that time abolished by law, and in that event it will adjourn to said time, then to adjourn *sine die*.

The Lieutenant Governor said: The purpose for which the joint convention assembled having been accomplished, I now declare it adjourned.

The Lieutenant Governor and Senate retired.

Mr. Neff moved that Mr. Abbett be allowed leave of absence until Monday next.

Which was agreed to.

Mr. Simpson moved that when the House adjourn, it adjourn to meet at 10 o'clock to-morrow.

Which was agreed to.

On motion of Mr. Gordon of Boone,  
The House adjourned.

## THURSDAY MORNING.

JANUARY 12, 1871, 10 o'clock A. M.

The House met.

On motion of Mr. Stephenson,  
The reading of the journal was dispensed with.

Mr. Netherton asked and obtained the consent of the House to change his vote on the San Domingo resolution, as recorded in the journal of January 9th, 1871.

The Speaker announced the following standing committees:

*On Organization of Courts.*

Messrs. Sansberry, Henderson, Rhodes, Cunningham, Ruddell, Copner, and St. John.

*On Federal Relations.*

Messrs. Henderson, Williams, Biggs, Copner, Henry, and Hooker.

*On Banks.*

Messrs. Miles, Knight, McDowell, Lines, Gentry, Kirkpatrick, and Warrum.

*On Corporations.*

Messrs. Neff, Cauthorn, McDonald, Taylor, St. John, Browning, and Ballenger.

*On Claims.*

Messrs. Tcbbs, Browning, Gordon of Boone, Zenor, Sabin, Hartley, and Williams.



*On Railroads.*

Messrs. Browning, McDonald, King, Minick, Washburn, Neff, and Woodward.

*On Trust Fund.*

Messrs. Oatley, Browning, Conner, St. John, Warrum, Zenor, and Strickland.

*On Rights and Privileges.*

Messrs. Haynes, Stanley, Furnas, Deputy, Britton, Montgomery, and Ruddell.

*On Roads.*

Messrs. Tarlton, Millikan, Martin of Wayne, Curtis, Goble, Britton, and Monroe.

● *On County and Township Business.*

Messrs. Zenor, Wood, Stephens, Bruner, Major, and Guthrie.

*On Fees and Salaries.*

Messrs. Mitchell, McDonald, Wilson, Cauthorn, Coggsell, Martin of Putnam, and Stephenson.

*On Public Expenditures.*

Messrs. Haynes, Coggsell, Conner, Martin of Putnam, Miles, Hawley, and Millikan.

*On Agriculture.*

Messrs. Donham, Shutt, Logan, Beeler, Goble, Hardin, and Furnas.

*On Manufactures and Commerce.*

Messrs. Rice, Beeler, Heilman, Walker, Devol, Taughinbaugh, and Myers.

*On Insurance.*

Messrs. McDonald, Simpson, Neff, Wilson, Taylor, St. John, and Henderson.

*On Swamp Lands.*

Messrs. Caldwell, Calkins of Porter, Gallentine, Stanley, Wymer, Gordon of Cass, and Netherton.

*On Temperance.*

Messrs. Rice, Barnaby, Cox, Taylor, Deputy and Heilman.

*On Engrossed Bills.*

Messrs. Copner, Hartley, Sayers, Biggs, Stephens, Holland, and Wood.

*On Military Affairs.*

Messrs. Browning, Simpson, Miles, Stone, Friedley, Gentry, and Rawles.

*On Prisons.*

Messrs. Simpson, Donham, Ruddell, Barnaby, Myers, Strickland, and Tebbs.

*On Cities and Towns.*

Messrs. Cauthorn, Ruddell, Rice, Stephenson, McGowan, Copner, and White.

*On Statistics and Emigration.*

Messrs. Shutt, McFarland, Bruner, Sayers, Hooker, Guthrie, and Weekly.

The Speaker then announced the following joint standing committees:

*Joint Committee on Public Buildings.*

Messrs. McFarland, Mitchell, and Hill.

*Joint Committee on Public Library.*

Messrs. Hawley, Ballenger, and Montgomery.

*Joint Committee on Enrolled Bills.*

Messrs. Cunningham, Myers, Holland, Tebbs, and Butterworth.

Mr. Simpson was granted leave of absence until Monday next.

Mr. Williams moved that the message from the Governor relating to the Wabash and Erie Canal, which was read yesterday, be read again.

Which was agreed to.

The message was so read, and,

On motion,

Referred to the committee on canals.

Mr. Gentry presented the petition of sundry persons of Spencer county in reference to fees and salaries.

Which was,

On motion,

Referred to the committee on fees and salaries.

Mr. Stone presented the petition of one hundred and fifty-five signers from Randolph county, requesting the repeal of section 18 of the turnpike law.

Which was,

On motion,

Referred to the committee on roads.

Mr. McFarland offered the following resolution :

*Resolved*, That to avoid confusion in the House, the Speaker be requested to assign one page on the floor to each aisle in the House, whose duty it shall be to wait on members on each side of such aisle.

Which was agreed to.

Mr. Calkins of Fulton offered the following resolution :

*Resolved by the House of Representatives of the State of Indiana*, That the committee on benevolent and scientific institutions be and

they are hereby instructed to inquire into the practicability and necessity of making an appropriation for the construction of a building adjacent to the Hospital for the Insane, to be used exclusively for the safe confinement and care of such insane persons as are declared incurable and returned to county authorities for safe-keeping; and that the committee be ordered to report as soon as may be, by bill or otherwise.

Which was agreed to.

Mr. Neff offered the following resolution:

*Resolved*, That the Auditor of State be requested to furnish the chairman of the committee on ways and means of the House a list of all the counties that failed to carry on the tax duplicate, the amount required by the State Board of Equalization.

Which was agreed to.

Mr. Devol offered the following House joint resolution:

WHEREAS, The supplementary act of Congress approved June 6, 1866, provides increase of pensions over those granted by the act of Congress of July, 1862, and by the construction of the Commissioner of Pensions on said law, it only includes those soldiers of the late rebellion; therefore, be it

*Resolved by the General Assembly of the State of Indiana*, That our Senators and Representatives in Congress be requested by these presents to have said act of June 6, 1866, so amended to include all pensioners of all wars, upon proof of like disabilities existing at the time of taking effect of said last act of June 6, 1866, be entitled to the same increase of pension, from said time, as those pensioners of the late rebellion, and that a copy of the foregoing be certified to our Senators and Representatives in Congress.

Which was read the first time.

Mr. Cunningham moved that the joint resolution lay on the table.

Which was agreed to.

Mr. Ruddell introduced

House Bill No. 44. Entitled an act regulating the fees of certain

officers therein named, prescribing penalties for the violation of its provisions, and repealing all laws inconsistent therewith.

Mr. Cunningham moved the suspension of the rules, and that the bill be read a first time by its title.

The ayes and noes were taken under the constitutional rule.

The question being on the suspension of the rule.

*Those who voted in the affirmative were, Messrs.*

Ballenger,	Hawley,	Rawles,
Beeler,	Haynes,	Ray,
Biggs,	Heilman,	Rhodes,
Britton,	Henderson,	Rice,
Browning,	Hendry,	Ruddell,
Barnaby,	Hill,	Sabin,
Bruner,	Holland,	Sansberry,
Butterworth,	Hooker,	Sayers,
Caldwell,	Hynes,	Schoenemann,
Calkins of Fulton,	Kennedy,	Shutt,
Calkins of Porter,	King	Snodgrass,
Cauthorn,	Kirkpatrick,	Stanley,
Coggswell,	Knight,	Stephens,
Conner,	Lines,	Stephenson,
Copner,	Major,	St. John,
Cox,	Martin of Wayne,	Stone,
Cunningham,	Martin of Putnam,	Tarlton,
Curtis,	McDonald,	Taughinbaugh,
Defrees,	McDowell,	Taylor,
Deputy,	McFarland,	Walker,
Devol,	McGowan,	Washburn,
Donham,	Minick,	Warrum,
Friedley,	Miles,	Weekly,
Furnas,	Millikan,	Williams,
Gallentine,	Mitchell,	White,
Gentry,	Monroe,	Wilson,
Goble,	Montgomery,	Wymer,
Gordon of Cass,	Myers,	Wood,
Hardin,	Netherton,	Woodward,
Hartley,	Oatley,	Mr. Speaker—90.

*Those who voted in the negative were, Messrs.*

Guthrie,

Zenor—2.

So the rules were suspended, the bill read a first time by its title, and,

On motion,

Referred to the committee on fees and salaries.

Mr. Wymer introduced

House Bill No. 45. Entitled an act to provide for the raising of revenue, appointment of commissioners for the building of a State House, establishing regulations therefor, and declaring an emergency.

Which was read a first time, and,

On motion,

Referred to committee on public buildings.

Mr. Browning introduced

House Bill No. 46. Entitled an act to repeal an act entitled "an act supplemental to an act entitled 'an act to regulate and license the sale of spirituous, vinous, malt, and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws contravening the provisions of this act, and prescribing penalties for the violation thereof,'" approved March 5, 1859, providing for appeals in the case of persons applying for license to sell intoxicating liquors, and for those remonstrating against such application under the provisions thereof, and to make a trial by jury in relation thereto final."

Which was read a first time, and,

On motion,

Referred to the committee on temperance.

Mr. Browning introduced

House Bill No. 47. Entitled an act to provide for a forfeiture of a license to retail intoxicating liquors in case of sales or gifts, knowingly, of intoxicating liquors to an infant, an insane person, or a person intoxicated, or to knowingly barter, sell, or give away adulterated intoxicating liquors, and providing that no recovery in any

court of law shall be had for any debt contracted for any such liquors sold in a less quantity than a quart at a time by any such license.

Which was read a first time, and,  
On motion,  
Referred to committee on temperance.

A message from the Senate by Mr. Harrison, Secretary, thereof:

MR. SPEAKER:

I am instructed by the President of the Senate, to inform the House that he has signed Enrolled Joint Resolution of the Senate, No. 3, and the same is herewith transmitted to the House for the signature of the Speaker.

Mr. Cox introduced

House Bill No. 48. Entitled an act requiring Township Trustees to examine the dockets of Justices of the Peace, as to their delinquency in paying over fines to the proper officers.

Which was read a first time, and,  
On motion,  
Referred to the committee on education.

Mr. Defrees introduced

House Bill No. 49. Entitled an act to authorize the collection of debts in the township where contracted.

Which was read a first time.

Mr. Biggs introduced

House Bill No. 50. An act extending the time for holding the Court of Common Pleas in the county of Kosciusko, and repealing all laws inconsistent therewith.

Which was read a first time, and,  
On motion,  
Referred to a special committee.

Mr. Copner introduced

House Bill No. 51. An act repealing sections two and six of an

act entitled "An act to provide for the registry of voters and to declare their residence, and to punish fraudulent practices touching elections, and defining the duties of certain officers therein named, and the form of ballots, and providing compensation for the services of such officers," approved April 13th, 1869.

Which was read a first time, and,

On motion,

Referred to the committee on elections.

Mr. McDowell introduced

House Bill No. 52. Entitled, an act concerning extortions, etc.

Which was read a first time.

Mr. Deputy introduced

House Bill No. 53. An act regulating fees of County Commissioners.

Which was read a first time, and,

On motion,

Referred to the committee on fees and salaries.

Mr. Rice introduced

House Bill No. 54. An act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto, and repealing all laws and parts of laws coming in conflict therewith, and providing for an emergency.

Which was read a first time, and,

On motion,

Referred to the committee on highways.

Mr. Stone introduced

House Bill No. 55. Entitled, an act authorizing turnpike companies organized under the act approved March 6th, 1865, to adopt the acts of May 12, 1852, in reference to turnpike companies, etc.

Which was read a first time, and,

On motion,

Referred to the committee on highways.



Mr. Calkins of Porter introduced

House Bill No. 56. An act to amend section 13, of an act providing for the election and qualification of Justices of the Peace and defining their powers and duties in civil cases.

Which was read a first time.

Mr. Myers introduced

House Bill No. 57. An act to amend section one and two of an act entitled "An act providing for the election and qualifications of Justices of the Peace, and defining their jurisdiction, forms and duties in civil cases.

Which was read a first time.

Mr. Wilson introduced

House Bill No. 58. Entitled an act to establish Superior Courts, defining their jurisdiction, and providing for the election and compensation of the judges thereof.

Which was read a first time and passed to a second reading on tomorrow; when

On motion of Mr. Cunningham,  
The House adjourned.

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THURSDAY, 2 O'CLOCK P. M.

The House met.

Mr. Robertson asked and obtained the unanimous consent of the House for an unlimited leave of absence.

Mr. Williams moved that a committee of three be appointed to obtain suitable rooms for the meeting of the various committees.

Which was agreed to.

Mr. Calkins of Porter moved that House Bills Nos. 8 and 23 be referred to committee on swamp lands.

Which was agreed to.

Mr. St. John asked and obtained the consent of the House to offer a substitute for House Bill No. 10.

Mr. Warrum introduced

House Bill No. 59. An act declaring all railroad companies in the State of Indiana common carriers, to regulate passes, fares, and tariff rates, etc.

Mr. Warrum moved that the bill lay on the table, and that two hundred copies be printed for the use of the House and Senate.

A message from the Senate:

MR. SPEAKER:

I am instructed by the President of the Senate to inform the House that the Senate has passed the following House joint resolution, No. 3, to wit:

A Joint Resolution instructing the Senators and requesting the Representatives in Congress to endeavor to obtain an appropriation from Congress for the improvement of the navigation of the Wabash river:

*Be it Resolved by the General Assembly of the State of Indiana,* That our Senators in Congress be instructed, and our Representatives be requested, to use all proper means to procure an appropriation by Congress for the improvement of the navigation of the Wabash river, from its mouth to Lafayette, and as much higher as a survey shall demonstrate it to be practicable, and that the Governor be requested to forward a copy of this resolution to each of said Senators and Representatives in Congress from this State.

Mr. Defrees moved to lay on the table the motion to print two hundred copies of H. B. No. 59.

On which the ayes and noes were demanded by Messrs. Ballenger and McDonald.

The question being, shall the motion lay on the table,

*Those who voted in the affirmative were, Messrs.*

Biggs,	Hawley,	Oatley,
Barnaby,	Haynes,	Rawles,
Butterworth,	Heilman,	Ray,
Caldwell,	Henderson,	Rice,
Cauthorn,	Hendry,	Sabin,
Coggsell,	Holland,	Sayers,
Copner,	Hooker,	Schoenemann,
Cox,	Hynes,	Shutt,
Curtis,	King,	Stephens,
Defrees,	Kirkpatrick,	Stephenson,
Deputy,	Lines,	Strickland,
Devol,	McDonald,	Tarlton,
Donham,	McDowell,	Taylor,
Furnas,	McFarland,	Walker,
Gallentine,	McGowan,	Weekly,
Gentry,	Minick,	White,
Goble,	Mitchell,	Wymer,
Gordon of Cass,	Monroe,	Wood,
Guthrie,	Myers,	Zenor,
Hardin,	Neff,	Mr. Speaker—62.
Hartley,	Netherton,	

*Those who voted in the negative were, Messrs.*

Ballenger,	Kennedy,	Snodgrass,
Beeler,	Knight,	Stanley,
Browning,	Major,	St. John,
Bruner,	Martin of Wayne,	Stone,
Calkins of Fulton,	Martin of Putnam,	Taughinbaugh,
Calkins of Porter,	Millikan,	Tebbs,
Conner,	Montgomery,	Washburn,
Cunningham,	Rhodes,	Warrum,
Friedley,	Ruddell,	Wilson,
Gordon of Boone,	Sansberry,	Woodward—31.
Hill,		

So the motion to lay the motion to print on the table prevailed.

The bill was referred to the committee on railroads.

The Speaker announced the following standing committee :

*On Public Printing.*

Messrs. Tarlton, Neff, Duval, Minick, Cox, Calkins of Porter, and Gordon of Boone.

Mr. Mitchell introduced

House Bill No. 60. An act to provide for the election of a supervisor and Board of Commissioners, for the Benevolent Institutions of the State, and prescribing some of the duties of such officers, and repealing all laws in conflict therewith, and declaring an emergency.

Which was read a first time, and,

On motion,

Referred to the committee on Benevolent Institutions.

The Speaker announced the following special committee on House Bill No. 50:

Messrs. Biggs, Cox, Calkins of Fulton, Knight, and Gordon of Cass.

HOUSE BILLS ON THEIR SECOND READING.

House Bill No. 12. An act repealing an act entitled "An act to authorize aid to the construction of railroads by counties and townships, taking stock in and making donations to railroad companies," approved, May 12th, 1869.

Which was read a second time, and,

On motion,

Referred to the committee on railroads.

House Bill No. 15. An act to amend sections 6, 7, and 8, of an act regulating the granting of divorces.

Which was read a second time, and,

On motion,

Referred to the committee on the judiciary.

House Bill No. 16. An act to amend the sixth and seventh sections of an act regulating the granting of divorces, nullification of

marriages and decrees, and orders of court incident thereto, approved March 13, 1852.

Which was read a second time.

Mr. Defrees offered the following amendment:

*Provided*, That no person so divorced shall be permitted to marry again within one year.

Mr. Cunningham moved to lay the amendment on the table.

Which was not agreed to.

The question recurring on the adoption of the amendment.

It was agreed to, and,

On motion,

The bill was referred to the committee on the judiciary.

House Bill No. 17. Entitled an act to amend section 22 of an act entitled "An act prescribing powers and duties of Justices of the Peace in State prosecutions."

Which was read a second time, and,

On motion,

Referred to the committee on the judiciary.

House Bill No. 19. An act authorizing the Common Council of the city of Jeffersonville to elect pilots, etc.

Which was read a second time, and ordered to be engrossed, and passed to its third reading on to-morrow.

House Bill No. 21. An act to amend sections 97 and 103, of an act entitled "An act to revise, simplify, and abridge the rules of practice, pleading and forms in criminal actions in the courts of this State."

Which was read a second time, and,

On motion,

Referred to the committee on the judiciary.

House Bill No. 25. An act to provide for the general system of  
H. J.—11

common schools, the officers thereof, and their powers and duties connected therewith.

Which was read a second time, and,

On motion,

Referred to the committee on education.

House Bill No. 26. An act to raise revenue for State purposes, etc.

Which was read a second time, and,

On motion,

Referred to the committee on ways and means.

House Bill No. 27. An act for the improvement of highways and providing for the assessment, collection, and application of a road tax, and prescribing the duties of Township Trustees, County Treasurers, Boards of Commissioners, and other officers in relation thereto, and repealing all laws inconsistent therewith.

Which was read a second time.

Mr. Sabin offered the following amendment:

In each place where lowest bidder occurs, insert "lowest responsible bidder."

Which was agreed to, and,

On motion,

The bill, with amendment, was referred to the committee on county and township business.

House Bill No. 28. An act regulating and fixing the salaries of certain county officers therein mentioned, and prescribing their duties in certain cases, and fixing the pay of clerks or deputies employed by them.

Which was read a second time, and,

On motion,

Referred to the committee on fees and salaries, when,

On motion by Mr. Williams,

The House adjourned.

## FRIDAY MORNING.

JANUARY 13, 1871, 9 o'clock A. M.

The House met.

Prayer by the Rev. Mr. Edson.

The Journal of yesterday was read and approved.

A message from the Senate by Mr. Harrison, Secretary thereof:

MR. SPEAKER:

I am instructed by the President of the Senate to inform the House that the Senate has passed the following concurrent resolution, to wit:

*Be it resolved by the Senate of the State of Indiana, (the House of Representatives concurring,) That the two Houses shall proceed, by concurrent vote, on Friday, the 13th day of January, 1871, at 3 o'clock P. M., to choose a Trustee for the Asylum for the Blind, a Trustee for the Institution for the Education of the Deaf and Dumb, and a Commissioner for the Hospital for the Insane, under and in compliance with the provisions of an act approved March 5th, 1869.*

In which, the concurrence of the House is respectfully requested.

Mr. Stone moved that the House concur in the resolution.

Which was agreed to.

## PETITIONS, MEMORIALS, AND REMONSTRANCES.

Mr. Hardin presented a petition from sundry attorneys of Perry county, praying for an increase of salaries for our judicial officers.

Which was,

On motion,

Referred to the committee on fees and salaries.

Mr. Coggsell presented a petition from sundry attorneys of

Perry county, praying for an increase of salaries for our judicial officers.

Which was,

On motion,

Referred to the committee on fees and salaries.

Mr. Ballenger presented a memorial from the society of Friends, praying for the repeal of all the divorce laws of this State.

Which was,

On motion,

Referred to the committee on rights and privileges.

Mr. Butterworth presented a petition from sundry citizens of St. Joseph county, praying for a repeal of the drainage laws.

Which was,

On motion,

Referred to a special committee on levees, drains, and dykes.

Mr. Martin of Wayne presented a petition from sundry citizens of Wayne county, on the subject of Indiana divorce laws.

Which was,

On motion,

Referred to the committee on rights and privileges.

Mr. Butterworth moved that a special committee of seven be appointed on levees, and drains.

Which was agreed to.

Mr. Caldwell moved a call of the House.

Which was agreed to.

*Those who answered to their names were, Messrs.*

Abbott,	Bruner,	Conner,
Ballenger,	Butterworth,	Copner,
Beeler,	Caldwell,	Cox,
Biggs,	Calkins of Fulton,	Cunningham,
Britton,	Calkins of Porter,	Curtis,
Browning,	Cauthorn,	Defrees,
Barnaby,	Coggsell,	Deputy,



Devol,	Logan,	Sayers,
Donham,	Major,	Schoenemann,
Friedly,	Martin of Wayne,	Shutt,
Gallentine,	Martin of Putnam,	Snodgrass,
Gentry,	McDonald,	Stanley,
Goble,	McDowell,	Stephens,
Gordon of Boone,	McFarland,	St. John,
Gordon of Cass,	McGowan,	Stone,
Guthrie,	Minick,	Strickland,
Hardin,	Miles,	Tarlton,
Hartley,	Millikan,	Taughinbaugh,
Hawley,	Mitchell,	Taylor,
Haynes,	Monroe,	Tebbs,
Heilman,	Montgomery,	Walker,
Henderson,	Myers,	Washburn,
Hendry,	Neff,	Warrum,
Holland,	Netherton,	Williams,
Hooker,	Oatley,	White,
Hynes,	Rawles,	Wilson,
Kennedy,	Ray,	Wymer,
King,	Rhodes,	Wood,
Kirkpatrick,	Rice,	Woodward,
Knight,	Sabin,	Zenor,
Lines,	Sansberry,	Mr. Speaker—93.

On motion,

Further proceedings under the call were dispensed with.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Cauthorn, from the committee on elections, submitted the following majority report.

MR. SPEAKER:

The majority of the committee on elections, to whom was referred the case in which Robert P. Davidson, contests the election of Otho K. Weakly, to a seat in this House, have considered the same, and instruct me to make the following report:

At the general election in the county of Tippecanoe, on the 11th day of October, 1870, Benjamin Ray, the said Otho K. Weakly, the contestee, the said Robert P. Davidson, the contestor, and Joseph

M. Heishey were voted for, for Representatives, in this General Assembly, of which that county was entitled to elect two. The highest number of votes was received by said Ray, and the lowest by said Heishey. The contestee was declared to have received 3,410 votes, against 3,409 votes received by the contestor, and to have been elected by a majority of one vote. The contestor's notice of contest contains eight separate specifications, among which presented in the committees own order, are the following :

*First.* That in Perry township there was a miscount of one vote by the election board, in favor of the contestee.

*Second.* That in Jackson township, which returned a majority of 40 votes in favor of the contestee, the inspector of the election in that township, on the morning of the election, without authority of law, changed the holding of election from the usual place of holding the election, and the place where he had advertised it would be held, to another place, one and a half miles distant where the election was held.

*Third.* That in precinct No 2, of Wabash township, which gave a majority of 30 votes to the contestee, the board of election received and deposited the ballots in an unlocked and unfastened box. That after counting out the votes, they separated without making out a certificate of the result, and did not meet again. That the certificate which was afterwards made out, was signed at different times and places, by the inspector and clerks, and by one of the judges, but not at all by the other judge.

*Fourth.* Illegal votes cast for the contestee.

*Fifth.* That a large number of the ballots cast for the contestee, and containing his name, had upon the face thereof, on the top of each, as a distinguishing mark, the words "Republican ticket" in large letters.

Upon the facts as shown by the evidence in the case which is largely from Republican sources, the committee make the following findings, with their conclusions thereon.

*First.* The testimony of the inspector, and both clerks in Perry township clearly shows, without any disagreement, that in counting out, a mistake was made, giving to the contestee 138 instead of 137, which was the true number he received. It is also shown how the miscount occurred. The contestee was certified to have received 138 votes from that township, which should be reduced one vote.

The above facts are admitted by the parties which leaves them a tie, and the right of either to the seat, must be determined and ascertained from the evidence produced on other points.

*Second.* In Jackson township there was but one place of voting. This for several years past, had been Locust Grove school house, or a dwelling house near by, of late occupied by one Cornelius Haines. Under the law, it was the duty of the trustee, as inspector of elections, to designate the place of voting in his township. In this instance he had done so prior to the day of election, by public notices posted in various places in the township, designating as the place of voting therein, at said election, the house of said Cornelius Haines, which was the same house above referred to. On the morning of the day of the election, the election board assembled at the place thus appointed, but the inspector, without opening the polls, determined to change, and did change the place of voting to Center school house, which is one mile and a half distant from the former place, and where the election was held. He attempted to give notice of the change by a posted advertisement at Haines' house, and also at a cross road near by. Time and place are essential requisites of every election. Other irregularities may or may not be hurtful. But there can be no violation of these two vital conditions. The sheriff had advertised to the voters of the county that the election would be held at their respective usual places of voting. The trustee had fixed the place as he had the right, and as it was his duty to do. And in this case it was the usual place of voting in that township. He had no power at so late a period as the morning of the election to make the change. And the election held at Center school house was informal, and a nullity as much so as if it had been held the day before or the day after it, the time fixed by law. *Knowles vs. Yeates* 31, Cal. p. 92.

The attempted notice on the morning of the election was too late, and in fact no notice whatever. *Lewis vs. Young*, 4th Iowa, 561.

The township gave a majority of 40 votes to the contestee, which should be deducted from the aggregate of the vote certified and canvassed for him.

*Third.* That in precinct No. 2, Wabash township, the board of election received and deposited the ballots in an open or unlocked box, separated as soon they were done counting out, without certifying the result, and in fact did not meet again during the counting out. The clerks were relieved from duty from time to time, and

their places supplied from the bystanders, who were not sworn. The certificate which was two days afterwards made, was carried about from place to place by the inspector, for the signatures of the judges and clerks, one of the former of which he failed entirely to get. This proceeding was informal, and perhaps void. The board, according to the statute, could only make a certificate when acting together as a board. The paper purporting to be a certificate was no proof of the result of the election there as the same was not made conformable to law, and is none here. And as we have no evidence except such as is founded upon the certificate as to what number of votes were cast for either party, we can only deduct the vote of the whole precinct, thereby deducting thirty from the whole number of votes reported for the contestee.

Other irregularities of a grave character at two other places of voting are complained of by the contestor, and as to which evidence has been taken. But the committee deem it unnecessary to report their effect. The illegalities and irregularities mentioned already, are sufficient of themselves to throw great doubts around this case. But the committee do not propose to decide this case upon mere irregularities and technicalities. If nothing else intervene in this case, the committee would hesitate before declaring either elected, and would refer the matter, by their recommendation, back to the people. But in their opinion the decision of the case depends upon other facts proven and admitted.

*Fourth.* Under the specification with regard to illegal votes, the committee find that the evidence of the contestor is directed to 13 of such votes, of which as many as 10, or perhaps 11, are proven to have been illegal, and should be deducted from the total number of votes returned for the contestee. Upon the subject of illegal votes, the committee find that near 100 Swedes came from Michigan and Illinois, during the months of March and April, into Tippecanoe county, for the purpose of obtaining work on a railroad, and of returning when the work was completed. A short time after the election, the work on the railroad was suspended, and the most of these men returned whence they came, the most of them having voted and in all probability, the Republican ticket. The evidence on the point, obtained from those who remained, substantiates this belief. And in the opinion of the committee, these men having come with the intention of returning after accomplishing a certain purpose, found before coming, that they could not acquire such a residence as to entitle them to vote, no matter how long they remained.

*Fifth.* Distinguishing marks upon ballots. As to this specification as a ground of contest, the majority of the committee are not entirely agreed in opinion. The evidence, however, shows that a very large number, perhaps nearly all the ballots for the contestee, were distinguished or designated at the top, by the words "Republican ticket" in large letters. The precise number it is unnecessary to determine, as also it is unnecessary to decide the effect thereof, as far as this case is concerned. The opinion of the majority of the committee however, is that such heading of ballots as above described, is in direct violation of the 23d section of the registry act of 1867. (Acts 1867, page 113.)

We are aware that the Supreme Court in the case of Druliner vs. The State, 29 Ind., page 308, have expressed a different opinion. Whether there may have been any special facts or reasons for that decision, not apparent upon the face of the opinion, we are not advised. But it seems to a majority of the committee, clear, that distinguishing marks, such as are shown in the case before us, are within both the spirit and letter of the act referred to. We are confirmed in this view of the case, when we consider what were the practices and usages of the political parties prior to the enactment constituting what was supposed to be the evil to be corrected. The clear, pointed language of the act itself, which certainly refers to the face of the ballot, the proviso in the act, and lastly, the conformity of both political parties with this view of the law at the elections which followed next after its passage. With the wisdom of the law, we have nothing to do. If a bad one, it should be repealed. We only inquire what the law is? And if in coming to a conclusion, we differ with the highest Court in the State as then constituted, we are willing for the intelligent reader, professional, and non-professional, to judge between us as to which is correct. The contestee shows that in Wayne township, eight votes for him were cast out because the ballots were headed as above described. If our view be correct, the board of election only obeyed the law in rejecting them, and they should be rejected here. But even allowing those eight votes to be counted for the contestee, we find that more than that number of illegal votes were east for him. Again, if we allow him the eight votes and reject anything else shown in favor of the contestor, but the point made as to the election in Jackson township, we would still have a majority of 32 in his favor. And the committee find that the proof clearly shows that the contestor, Robert P. Davidson, was fairly and legally elected a Representative from the county of

Tippecanoe, and is entitled to his seat in this house, and your committee therefore recommend the adoption of the following resolution :

*Resolved*, That the said Otho K. Weakley is not entitled to a seat in the forty-seventh session of the General Assembly of Indiana, as a Representative from the county of Tippecanoe.

*Resolved*, That the said Robert P. Davidson, is entitled to a seat in the forty-seventh session of the General Assembly of the State of Indiana, as a Representative from the county of Tippecanoe, and that the Speaker be now directed to administer to him the oath of office.

GEO. McDOWELL,  
Chairman.

FRANK D. CALDWELL,  
J. D. COX,  
H. S. BARNABY,  
Members of Committee.

I do not agree with the majority of the committee in all their reasoning, and particularly as to the rejection of ballots headed "Republican Ticket," but for other reasons arrive at the same conclusion, and therefore concur in recommending the adoption of the above resolutions.

HENRY S. CAUTHORN,  
Member of Committee.

Mr. White, from the same committee, submitted the following minority report:

MR. SPEAKER:

We, the undersigned, members of your committee on elections, beg leave to report that we are unable to agree with the majority of the said committee, and we therefore submit the following:

We have, together with the other members of said committee, had under consideration the contested election case of Robert P. Davidson, contestor, against Otho K. Weakley, contestee, for the seat in this body as Representative from the county of Tippecanoe in this State, and we beg leave to submit the following as the result of our deliberations:

*First.* It appears as a matter of fact and is admitted as such by the attorneys for both parties, and even by the parties themselves, that in the township of Perry in said county there was, by mistake, counted to the contestee one more vote than he actually received at said township; deducting which leaves the contestor and the contestee exactly equal in point of numbers in said county, and would necessitate another election for said office, were it not for other facts which have come to the knowledge of your committee. The contestor claims that by reason of certain irregularities upon the part of the board of election in certain other precincts the votes cast at said precincts at said election should not be counted, to wit: It is claimed by the contestor that at precinct number one, in the township of Wayne, the board of election deposited the ballots which were cast at said precinct in a box which was not locked, as required by law. It is further claimed by said contestor that the board of election, without formally closing the polls by public outcry, as required by law, did, contrary to law, depart from the place of holding said election to the residence of one of the members of said board, some three hundred yards distant, where the process of counting out said votes was completed. After which they adjourned and subsequently met at another place when, together with the board of election for precinct number two in said township, they proceeded to make out and sign certificates, etc. It is further claimed that the signature of one of the board of election in said township was never obtained to said certificate. It is further claimed that in precinct number two, in said township of Wayne, the ballots were not numbered as required by law. All of which facts we believe are sufficiently established. The contestor also claims and it so appears that the board of election in the township of Shelby rejected one vote for him in consequence of their being two ballots folded together. It also appears that in the township of Jackson, in said county, the trustee, after having notified the voters of said township that an election would be held at a certain point in said township on the 11th of October, 1870, (which said point appears to have been the usual place of holding elections in said township) changed the place of holding said election on the morning of said 11th of October to a point say one and one-half distant therefrom, and gave notice to the voters of said township of such change by posting a written notice on the door of the first named place of voting; also, by posting a like notice at the cross-roads something near three-quarters of a mile distant therefrom. This it is claimed renders the vote of

said township of Jackson null and void. It is claimed that illegal votes were cast for contestee in the township of Wabash in said county. And we find from the evidence that three illegal votes were plainly and fairly proven, and it may be evident to some minds that there are proven five illegal votes; but we think that the evidence as to two of them is too weak to sustain the illegality of said votes.

As to the distinguishing marks, "Republican ticket," printed at the head of perhaps a large majority of ballots cast for contestee, it is admitted to be true, that the face of the tickets cast for contestee were headed Republican ticket.

Upon the part of the contestee, it appears that in the township of Wayne, the board of election, after having received and deposited certain ballots in the box prepared for the reception of the same. Upon proceeding to count the ballots therein deposited, refused to count eight ballots, each of which bore the name of contestee for Representative in this General Assembly, assigning as a reason for such refusal, that the heading "Republican ticket" was a distinguishing mark which excluded them from being counted.

This is a brief statement of the facts as they have appeared to us, and upon the various points presented. We, the minority, have arrived at, and present the following as our opinion, to wit:

We believe that the contestee should have stricken from his vote in Perry township *one* vote, which we think the evidence clearly justifies. This then, leaves the contestor and contestee exactly equal in the number of votes cast for them in said county.

We can not agree that the informalities and irregularities shown to have occurred in Wabash township, such as using unlocked boxes for ballots, adjournment of election board in precinct No. 2, in said township, and failure to sign certificate by one of the judges or clerks of said election is, or ought to be sufficient grounds to justify us in depriving the *bona fide* legal voters of said township of their right to representation upon this floor, because there is no evidence that such irregularities resulted in any wrong to any one.

We are constrained in this position, and think, entirely supported by the 15th section of the law regulating contested elections. 1st G. & H., page 318, which clearly settles this point, as we think. We are further strengthened in this opinion, by the late decision of our own Supreme Court, made during the present week.

As to the irregularity in Jackson township, in said county, we are free to say, that the course pursued by the board of election in that



township, under other circumstances would have been inexcusable, and even in this case, we are not entirely satisfied that it was altogether justifiable. But, we think that in the absence of any proof of wrong resulting thereby to the contestor, or any advantage arising therefrom to the contestee, we are not justifiable in throwing out of the count the votes cast in said township. And we think that this is also provided for in the section of the statute to which reference has already been made.

As to illegal votes which it is claimed, were given for the contestee at said election in Wabash township, we believe that clear proof is only made as to ballots No. 235, 241, and 262.

It may appear to some that ballot No. 14 in said township, and ballot No. 1011, in Fairfield township, are also proven to be illegal. But in the minds of the minority, this is not the case.

Upon the other hand, we believe that in the township of Wayne, the contestee was entitled to receive eight votes which were rejected, on all of which his name appeared as candidate for the position which he now holds on this floor. For if the eight votes in Wabash township could be rejected on account of "Republican ticket" being at the head of the ballot, then almost the entire vote cast for contestee, and all other officers elected at said election could be then thrown out. Thus depriving the people, not only of said county, but also those of many other counties of their choice. We think distinguishing marks thus complained of, is not such as is contemplated by law.

We therefore find that the contestor and contestee are equal in votes so far as Perry township is concerned. That the contestee is entitled to eight more votes in Wayne township, and that three illegal votes cast in Wabash township for contestee should be deducted, which would still leave a majority of five for the contestee. Or for further argument we may allow that ballot, No. 14, in Wabash township, and ballot No. 1011 in Fairfield township, should be deducted from contestee's vote, which would still leave him a clear majority of three votes. All of which is respectfully submitted.

We would also recommend the adoption of the following resolution:

*Resolved*, That Otho K. Weakley, having been duly elected a Representative in this General Assembly, for the county of Tippecan-

noe of right ought to be, and is hereby declared to be elected, and is hereby confirmed in his seat in this General Assembly.

HENRY A. WHITE,  
S. C. SABIN.

Mr. St. John moved to lay the whole matter on the table, and be made the special order for Tuesday next at 10 o'clock A. M.

Which was agreed to.

Mr. McDonald, from the judiciary committee, made the following report:

The committee on the judiciary to whom was referred House Bill No. 41, entitled an act to amend sections 3, 18, and 26, of an act entitled "An act regulating descents and apportionment of estates," approved May 14, 1852, and repealing all laws conflicting with the provisions of this act. Have had the same under consideration, and have directed the same to be reported back, with the recommendation, that it lie on the table.

Which report was agreed to.

Mr. Wilson, from the committee on judiciary, submitted the following report:

MR. SPEAKER:

The committee on judiciary to whom was referred House Bill No. 33. Entitled "An act to amend 'an act regulating the interest on money.'" Have had the same under consideration, and have directed me to report the same back with the recommendation that it lie on the table.

The question being on concurring in the report of the committee.

The ayes and noes were demanded by Messrs. Ruddell, and Neff.

*Those who voted in the affirmative were, Messrs.*

Beeler,	Conner,	Galentine,
Barnaby,	Copner,	Gentry,
Bruner,	Cox,	Goble,
Caldwell,	Curtis,	Hardin,
Cogswell,	Donham,	Hartley,

Haynes,	McDonald,	Rice,
Heilman,	McDowell,	Schoenemann,
Henderson,	McFarland,	Shutt,
Hill,	McGowan,	Stephens,
Holland,	Minick,	Strickland,
Hooker,	Miles,	Tebbs,
Hynes,	Mitchell,	Walker,
Kirkpatrick,	Monroe,	Wilson,
Major,	Neff,	Woodward,
Martin of Wayne,	Netherton,	Zenor,
Martin of Putnam,	Oatley,	Mr. Speaker—48.

*Those who voted in the negative were, Messrs.*

Abbett,	Guthrie,	Sansberry,
Ballenger,	Hawley,	Sayers,
Biggs,	Hendry,	Snodgrass,
Britton,	Kennedy,	Stanley,
Browning,	King,	Stephenson,
Butterworth,	Knight,	St. John,
Calkins of Fulton,	Lines,	Stone,
Calkins of Porter,	Logan,	Tarlton,
Cauthorn,	Millikan,	Taughinbaugh,
Cunningham,	Montgomery,	Taylor,
Defrees,	Myers,	Washburn,
Deputy,	Rawles,	Warrum,
Devol,	Ray,	Weakly,
Friedley,	Rhodes,	White,
Furnas,	Ruddell,	Wymer,
Gordon of Boone,	Sabin,	Wood—47.
Gordon of Cass,		

So the report of the committee was concurred in.

Mr. Neff, from the judiciary committee, made the following report on House Bill No. 17:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House Bill No. 17. "An act entitled an act to amend section 22 of an act entitled 'an act prescribing powers and duties of justices of the peace in

State prosecutions,' " have had the same under consideration and instructed me to report it back to the House with the recommendation that it lie on the table.

Which report was concurred in.

Mr. Neff, from the committee on judiciary, submitted the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House Bill No. 5. "An act limiting and defining the extent of the jurisdiction of grand jurors in certain criminal cases, and repealing all laws in conflict with the same," have had the same under consideration, and have instructed me to report it back to the House with the recommendation that it lie on the table.

Which report was concurred in.

Leaves of absence were granted to Messrs. Calkins of Fulton until Monday, Defrees until Tuesday, and Taughinbaugh until Monday.

Mr. Mitchell moved that the vote concurring with the Senate concurrent resolution appointing this Friday afternoon for the election of Trustees for the Benevolent Institutions be reconsidered, and amended so as to read next Wednesday at 2½ o'clock, P. M.

Which was agreed to.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Conner moved that when the House adjourns this afternoon, it adjourns to meet Monday, January 16th, 1871, at 2 o'clock P. M.

Which was agreed to.

By the unanimous consent of the House, the committee on fees and salaries and committee on claims were each allowed a clerk.

By the unanimous consent of the House, the committee on public expenditures was allowed a clerk.

Mr. Goble asked and obtained leave of absence until Tuesday next.

Mr. Minick offered the following resolution:

*Resolved*, That the State Librarian be and he is hereby authorized and directed to contract with Bowen & Stewart for Wilson's Digest of Parliamentary Law, one copy for each member and elective officer of the House, and that the same be laid upon the desks of members as soon as they can be obtained.

Which was agreed to.

When,

On motion of Mr. White,  
The House adjourned.

FRIDAY, 2 O'CLOCK P. M.

The House met.

Mr. Devol asked and obtained the consent of the House to take from the table House Joint Resolution No. 4, providing for an equalization of Pensions, etc.

Mr. Devol then moved the resolution be put upon its passage.

Which was agreed to.

The ayes and noes were taken under the constitutional rule.

The question being shall the joint resolution pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Caldwell,	Devol,
Ballenger,	Calkins of Porter,	Donham,
Beeler,	Cauthorn,	Friedley,
Biggs,	Coggswell,	Gallentine,
Britton,	Copner,	Gentry,
Browning,	Cox,	Gordon of Boone,
Barnaby,	Cunningham,	Gordon of Cass,
Bruner,	Curtis,	Guthrie,
Butterworth,	Deputy,	Hardin,

Hartley,	McDowell,	Stanley,
Haynes,	McFarland,	Stephens,
Henderson,	Miles,	St. John,
Hendry,	Millikan,	Stone,
Hill,	Monroe,	Strickland,
Holland,	Montgomery,	Tarlton,
Hooker,	Myers,	Taughinbaugh,
Hynes,	Neff,	Taylor,
Kennedy,	Netherton,	Tebbs,
King	Oatley,	Walker,
Kirkpatrick,	Rawles,	Washburn,
Knight,	Rhodes,	White,
Lines,	Rice,	Wilson,
Logan,	Sabin,	Wymer,
Major,	Sansberry,	Wood,
Martin of Wayne,	Schoenemann,	Woodward,
Martin of Putnam,	Shutt,	Mr. Speaker—80.
McDonald,	Snodgrass,	

There being no one voting in the negative.

So the joint resolution passed.

The question being, shall the title as read stand as the title of the joint resolution?

It was so ordered.

*Ordered*, That the Clerk inform the Senate of the passage of the joint resolution.

Mr. McDonald, from the committee on judiciary, submitted the following report:

**MR. SPEAKER:**

The committee on judiciary, to whom was referred House bill No. 21, entitled an act to amend sections 97 and 103 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings, and forms in criminal cases in the courts of this State," have had the same under consideration, and have directed me to report the same back, with the recommendation that it lie on the table.

Which report was concurred in.

Mr. Henderson, from the committee on judiciary, submitted the following report:

MR. SPEAKER:

The committee on judiciary, to whom was referred House bill No. 24, entitled an act to amend section 90 of an act entitled "An act to revise, simplify and abridge the rules of practice, pleadings, and forms in criminal actions in the counties of this State," approved June 17, 1852, have had the same under consideration, and have directed that the same be reported back with the recommendation that it lie on the table.

Which report was concurred in.

Mr. Tebbs, from the special committee on House bill No. 11, submitted the following report:

MR. SPEAKER:

Your committee to whom was referred House bill No. 11, have had the same under consideration, and have instructed me to report the same to the House, recommending its passage.

*Ordered*, That the bill take its place on the file.

Mr. McDonald offered the following resolution:

*Resolved*, That the Auditor of State be and is hereby required to report to this House the names of all officers who have not complied with an act entitled "An act to ascertain the amount of the fees and salaries of the clerks of the Supreme, Circuit and Common Pleas Courts of this State, of the sheriffs of the Supreme Courts and of the various counties in this State, of county auditors, treasurers and recorders, of circuit and prosecuting attorneys, and to provide punishment for a violation of its provisions," approved June 3, 1861.

Which was agreed to.

Mr. Defrees introduced

House Bill No. 61. Entitled an act to reimburse the several townships where a special tax has been voted by a majority of the citizens thereof, in aid of turnpike, Macadamized and railroads.

Which was read a first time.

Mr. Defrees introduced

House Bill No. 62. An act to amend and consolidate the several acts relating to the protection and preservation of game, birds, and fish.

Which was read the first time.

A message from the Senate by Mr. Harrison, the Secretary thereof:

**MR. SPEAKER:**

I am directed by the Senate to inform the House that the Senate has passed House Bill No. 32; the same being An act entitled an act appropriating one hundred thousand dollars to defray expenses of the forty-seventh session of the General Assembly, and herewith return said bill.

Mr. Taylor introduced

House Bill No. 63. An act to amend sections 62, 63, 65, and 66 of an act entitled "an act to repeal all general laws now in force for the incorporation of cities, and provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867, and declaring an emergency.

Which was read the first time, and,

On motion,

Referred to the committee on the judiciary.

Mr. Millikan introduced

House Bill No. 64. Entitled an act to amend sections one and two of an act entitled "an act to authorize aid to the construction of railroads by counties and townships taking stock in and making donations to railroad companies," approved May 12, 1869.

Which was read a first time.

Mr. Tebbs introduced

House Bill No. 65. Entitled an act making an appropriation of



the sum of four hundred and thirteen thousand five hundred and ninety-nine dollars and fifty-eight cents (\$413,599.58) for the payment of the claims of the sufferers by the Morgan raid.

Which was read a first time, and,

On motion,

Referred to the committee on claims.

Mr. Ruddell introduced

House Bill No. 66. Entitled an act to designate the holidays to be observed in the acceptance and payment of bills of exchange and promissory notes, and repealing all laws in conflict with the same.

Which was read a first time, and,

On motion,

Referred to the committee on banks.

Mr. Cunningham introduced

House Bill No. 67. Entitled an act to amend section fifth of an act concerning mortgages, approved May 4, 1852.

Which was read a first time, and,

On motion,

Referred to the committee on the judiciary.

Mr. Washburn offered the following resolution:

*Resolved*, That the committees of the House shall severally fix a time for the consideration of each separate subject referred to such committee, and that the chairman of the several committees shall notify each member who has introduced a bill touching said subject, of the time and place of the consideration of the same by their respective committees.

Mr. Cauthorn moved to lay the resolution on the table.

Which was agreed to.

Mr. McDonald introduced

House Bill No. 68. Entitled an act to amend an act entitled "an act districting the State for the purpose of electing four judges of

the Supreme Court," approved February 19, 1852, and creating the fifth district.

Which was read a first time.

Mr. Minick introduced

House Bill No. 69. An act making specific appropriations for the Benevolent Institutions.

Which was read a first time, and,

On motion,

Referred to the committee on benevolent institutions.

Mr. Cunningham offered the following:

*Resolved*, That the chairmen of the different committees of this House are ordered to dismiss their respective clerks at the earliest time possible.

Which was agreed to.

Mr. Britton introduced

House Bill No. 70. An act to provide for township elections.

Which was read a first time, and,

On motion,

Referred to the committee on elections.

#### HOUSE BILLS ON THEIR SECOND READING.

House Bill No. 29. Entitled an act repealing sections three (3) and four (4) of an act entitled "an act authorizing voluntary associations formed under an act concerning the organization of voluntary associations, and repealing former laws in reference thereto, approved February 12, 1855, to acquire title to lands that have heretofore been used as burial places, and to acquire additional adjoining lands for burial purposes, and declaring an emergency," approved May 14, 1869, and declaring an emergency.

Was read a second time, and,

On motion,

Referred to the committee on corporations.

House Bill No. 30. Entitled an act for the protection of fish, and providing penalties for its violation.

Which was read a second time, and,

On motion,

Referred to the committee on rights and privileges.

House Bill No. 31. An act to amend sections 6, 7, and 9 of an act entitled "An act regulating the granting of divorces, nullification of marriages, and decrees and orders of Court incident thereto.

Which was read a second time, and,

On motion,

Referred to the committee on the judiciary.

House Bill No. 34. An act empowering married women under twenty-one years of age to convey their real estate.

Which was read a second time, and,

On motion,

Referred to the committee on the judiciary.

House Bill No. 35. Entitled an act to amend the third section of an act entitled "An act providing for the organization of county boards, and prescribing some of their powers and duties," approved June 17, 1852, and prescribing the time and manner of the election of boards of commissioners, and their terms of office.

Which was read a second time, and,

On motion,

Referred to the committee on county and township business.

On motion by Mr. Zenor,

The House adjourned.

## MONDAY AFTERNOON,

JANUARY 16, 1871, 2 O'CLOCK.

The House met pursuant to adjournment.

On motion of Mr. Neff,  
Mr. Wilson took the chair.

Prayer by the Rev. Wm. F. Black.

The Journal of Friday last was then read and approved.

A message from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the President of the Senate has signed enrolled joint resolution of the House No. 3, entitled "A joint resolution instructing the Senators and requesting the Representatives in Congress, to endeavor to obtain an appropriation from Congress for the improvement of the navigation of the Wabash river; also, that the Senate has passed House joint resolution No. 1, entitled "A joint resolution in relation to the granting of pensions to the surviving soldiers of the war of 1812," and the same are herewith returned to the House.

## PETITIONS, MEMORIALS, ETC.

Mr. St. John presented the petition of sundry citizens of Grant county, on the subject of creating a board of supervisors to watch over the prisons, reformatories, and benevolent institutions, and for other purposes.

Which was read for the information of the House.

Mr. St. John presented the petition of sundry citizens of Grant county, praying the repeal of all the divorce laws of our State,

except that which provides for a legal separation of husband and wife for the crime of adultery.

Which was read for the information of the House.

Mr. Ballenger presented a petition from a committee of the North Indiana Conference, praying for a change in the divorce laws of this State.

Which was read for the information of the House.

Mr. Williams presented the petition of sundry citizens of Union county, praying for the repeal of certain portions of our divorce laws, and to certain changes therein.

Which was read for the information of the House.

Mr. Williams presented a petition from sundry citizens, praying for the creation of a board of supervisors for the prisons, reformatories, and benevolent institutions of this State.

Which was read for the information of the House.

Mr. Martin of Wayne presented the petition of sundry citizens of Wayne county, for a change in our divorce laws.

Which was read for the information of the House.

Mr. Martin of Wayne presented the petition of sundry citizens of Wayne county, for a repeal of all divorce laws of our State.

Which was read for the information of the House.

Mr. Henderson, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

The committee on judiciary, to whom was referred House Bill No. 14: An act amending section 2 of an act entitled "An act concerning interest on money," and repealing all laws in conflict therewith," have had the same under consideration, and have directed that the same be reported back with the recommendation that it lie on the table.

Mr. Ruddell moved that the report of the committee be not concurred in.

Which was not agreed to.

The report of the committee was then concurred in.

The Speaker then announced the following special committee:

*On Rooms for Committees.*

Messrs. Williams, Wilson, and King.

Mr. Zenor, from the committee on the employees of the House, submitted the following report:

MR. SPEAKER:

Your committee to whom was referred the question of employes, and to whom the Speaker, Clerks, and Doorkeeper were required to report the names of their employes, respectfully report that the following persons have been appointed by the Speaker, Clerk, Assistant Clerk, and Doorkeeper:

SPEAKER'S APPOINTEES.

Speaker's Clerk—Henry Humphreys.

Speaker's Page—James Hughes Neff.

Floor Pages—Edward H. Cornelius, James H. Holman, Frank A. Morrison, and George Tousey.

PRINCIPAL CLERK'S APPOINTEES.

Messenger— ——— Dale.

Pages—Edward A. Vawter, and Oscar Christman.

Reading Clerk—August O'Brien.

Registry Clerk—David Lostutter, Jr.

File Clerk—Samuel O. Pickens.

Engrossing Clerks—Messrs. C. S. McDonald, George B. Tebbs, and James E. Dorland.

Enrolling Clerks—J. W. Dritt, Daniel McDonald, Samuel W. Stairs, and O. O. Steally.

ASSISTANT CLERK'S APPOINTEES.

Minute Clerk—J. E. Neff, of Randolph county.

Principal Journal Clerk—Alfred Leonard, of Laporte county.

Journal Clerks—J. N. Armantrout, of Clinton county, John Rob-

erts, of Jefferson county, Robert K. Hamill, of Sullivan county, James E. Robinson, of Tippecanoe county, and T. H. Crosby, of Wells county.

#### DOORKEEPER'S APPOINTEES.

First Assistant—L. L. Dale.

North Lobby—P. H. Hart, and O. E. Smith.

South Lobby—James P. Tyler, and Samuel Marsh.

Firemen—R. P. Gibson, and Reuben N. Tyler.

Sweepers—Jerry Grady, and James Spaulding.

Spittoon Cleaner—Joseph Eurich.

Doorkeeper to Committee Rooms—John W. Cookerly.

Postmaster—Thomas Ryan.

Assistant Postmaster—Thomas E. Dittmore.

Postmaster's Clerk—L. L. Schell.

Paper Folders—James Conklin, and James Dilley.

Doorkeeper Chief Clerk's Room—S. C. Caldwell.

Water Closet—Adam Webber.

Your committee would respectfully recommend that there be stricken from the list of appointees of the Speaker one floor page; from the list of appointees of the principal clerk, one page; the messenger, one engrossing clerk, and one enrolling clerk; from the list of appointees of the assistant clerk, one journal clerk, and from the employes of the doorkeeper, two doorkeepers.

P. M. ZENOR, Chairman.

Mr. Gallentine moved that the report of the committee be concurred in.

Mr. Rhodes moved that the report be amended so as to strike out all which relates to the number of Speaker's pages.

Which was not agreed to.

The question recurring on concurring in the report of the committee.

It was concurred in.

On motion,

The pages, clerks, and messengers, discharged under the operation

of the report of the committee, were allowed pay for the time they have served.

Mr. Copner offered the following resolution:

*Resolved*, That it shall be the duty of the chairman of each committee to whom may be referred the several bills, to announce to the House, when and where such bills shall be considered.

Mr. Washburn moved to lay on the table.

Which was agreed to.

Indefinite leave of absence on account of sickness, was granted to Mr. Rawles, by unanimous consent.

Mr. Cunningham offered the following resolution:

*Resolved*, That the committee on roads be requested to inquire into the expediency of having the gravel road law so changed as to compel gravel road companies to build and make a road of specified width, grade, depth, and level, and also what distance their gates may be from incorporated towns and cities, and report by bill or otherwise.

Which was agreed to.

Mr. Caldwell offered the following resolution:

*Resolved*, That the committee on the judiciary be instructed to inquire what further legislation, if any, is necessary to secure a just, fair and equitable assessment of taxable property within this State as is required and contemplated by the Constitution of the State of Indiana, and report by bill or otherwise.

Which was agreed to.

Mr. Tebbs introduced

House Joint Resolution No. 5. In relation to granting lands to soldiers and sailors of the late war.

*Be it Resolved*, That our Senators in Congress be instructed, and our Representatives requested, to use their influence to pass a law amending soldiers' and sailors' homestead act of July 15, 1870, by



which one hundred and sixty acres of land will be granted to each soldier and sailor, or their heirs in case of death, without requiring them to remove to and occupy said lands for five years, as now required by said homestead act.

*And be it further Resolved*, That His Excellency, the Governor, be requested to transmit a copy of these resolutions to each of our Senators and Representatives in Congress.

Under the Constitutional rule the ayes and noes were taken.

The question being, shall the joint resolution pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Haynes,	Ruddell,
Ballenger,	Henderson,	Sansberry,
Beeler,	Hendry,	Sayers,
Britton,	Hill,	Schoeneman,
Browning,	Holland,	Simpson,
Barnaby,	Hynes,	Shutt,
Bruner,	Kennedy,	Snodgrass,
Butterworth,	Kirkpatrick,	Stanley,
Caldwell,	Lines,	Stephenson,
Calkins of Porter,	Logan,	St. John,
Coggsell,	Major,	Stone,
Copner,	Martin of Wayne,	Strickland,
Cox,	McDonald,	Tarleton,
Cunningham,	McDowell,	Taylor,
Curtis,	Minick,	Tebbs,
Deputy,	Monroe,	Walker,
Donham,	Montgomery,	Washburn,
Friedly,	Myers,	Warrum,
Gallentine,	Neff,	Weekly,
Gentry,	Netherton,	Williams,
Gordon of Boone,	Oatley,	Wilson,
Guthrie,	Ray,	Wood,
Hardin,	Rhodes,	Zenor,
Hawley,	Rice,	Mr. Speaker—73.

*Those who voted in the negative were, Messrs.*

Furnas,	Sabin—2.
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So the joint resolution passed.

Mr. Rhodes introduced

House Bill No. 71. An act to authorize married women to make contracts and transact business with the consent of their husbands, or under the authority of the Courts.

Which was read a first time, and,

On motion,

Referred to the judiciary committee.

Mr. Stone introduced

House Bill No. 72. An act to amend the 16th section of chapter 6 of an act entitled "An act concerning promissory notes, bills of exchange, bonds, or other instruments in writing, signed by any person who promises to pay money, or acknowledges money to be due, or for the delivery of any specific article, or to convey property, or to perform any stipulation therein mentioned, and repealing all laws coming in conflict therewith," approved March 11, 1861, with an emergency clause.

Which was read a first time, and,

On motion,

Referred to the judiciary committee.

Mr. McDowell introduced

House Bill No. 73. Entitled an act to limit the rates per mile per passenger fare upon railroads, etc.

Which was read a first time, and,

On motion,

Referred to the committee on railroads.

Mr. Abbett introduced

House Bill No. 74. An act to legalize certain bonds issued by the city of Columbus for the construction of water works.

Which was read a first time.

Mr. Abbett moved to suspend the rules, and have the bill read a second time by its title.

The ayes and noes were taken under the constitutional rule.

The question being, shall the rules be suspended?

*Those who voted in the affirmative were, Messrs.*

Abbott,	Hill,	Sabin,
Ballenger,	Holland,	Sansberry,
Beeler,	Hynes,	Sayers,
Browning,	Kennedy,	Schoenemann,
Barnaby,	King,	Simpson,
Bruner,	Kirkpatrick,	Schutt,
Butterworth,	Lines,	Snodgrass,
Caldwell,	Logan,	Stanley,
Calkins of Porter,	Major,	St. John,
Cogswell,	Martin of Wayne,	Stone,
Curtis,	McDonald,	Strickland,
Deputy,	McDowell,	Tarlton,
Devol,	Minick,	Taughinbaugh,
Donham,	Monroe,	Taylor,
Friedly,	Montgomery,	Tebbs,
Furnas,	Myers,	Walker,
Gallentine,	Neff,	Washburn,
Gordon of Boone,	Netherton,	Warrum,
Guthrie,	Oatley,	Wilson,
Hawley,	Ray,	Wood,
Haynes,	Rhodes,	Zenor,
Henderson,	Rice,	Mr. Speaker—68.
Hendry,	Ruddell,	

*Those who voted in the negative were, Messrs.*

Britton,	Cox,	Gentry,
Copner,	Cunningham,	Hardin—6.

So the rules were suspended, and the bill was read a second time by its title.

A message from the Senate by Mr. Harrison, the Secretary thereof:

MR. SPEAKER:

I am instructed by the President of the Senate to inform the

House that the Senate has passed engrossed Senate bill No. 22, entitled "An act to fix the time of holding Courts in the Sixth Judicial Circuit, requiring all persons to take notice thereof, providing for the return of process, repealing all laws in conflict therewith, and declaring when the act shall take effect," in which the House is requested to concur.

Mr. Neff moved that Senate Bill No. 22 be read a first time and referred to a special committee from the Sixth Judicial District.

Which was agreed to, and the bill so read.

The Speaker announced the following special committee on Senate Bill No. 22:

Messrs. Neff, Guthrie, Major, Minick, Mitchell, and Walker.

On motion of Mr. Cunningham,  
The House adjourned.

## TUESDAY MORNING.

JANUARY 17, 1871, 9 O'CLOCK.

The House met.

Prayer by the Rev. Mr. Elgin.

The Journal of yesterday was read and approved.

Leave of absence was granted to Mr. Gordon of Cass, on account of sickness, until Wednesday next.

Mr. Bruner presented the petition of William L. Hartley, in reference to claim on account of the Morgan Raid.

Which was read, and,

On motion,

Referred to the committee on claims.

Mr. Stephens presented a petition of sundry citizens of Loogootee, in relation to the settlement of the estate of Margaret Farrell, deceased.

Which was,

On motion,

Referred to the committee on rights and privileges.

Mr. Ballenger presented the petition of sundry citizens of Wayne county, in reference to creating a Board of Supervisors of the Prisons, Reformatories, and Benevolent Institutions, and other matters.

Which was read, and,

On motion,

Referred to the committee on prisons.

Mr. Woodward presented a petition from the commissioners of Parke county and other citizens, in relation to the care of the incurable insane.

Which was,

On motion,

Referred to the committee on benevolent institutions.

Mr. McDonald, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 74, entitled "an act to legalize certain bonds issued by the city of Columbus for the construction of water works," have had the same under consideration, and beg leave to report the same back with the recommendation that it pass.

Which report was concurred in.

Mr. McDonald, from the judiciary committee, submitted the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 10, entitled an act to amend section 43 of an act entitled "An act providing for the settlement of decedent's estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved July 17, 1852, approved February 19, 1869, have had the same under consideration, and beg leave to report the same back with the recommendation that it pass.

Which was concurred in.

Mr. Oatley offered the following resolution:

WHEREAS, It is a well known fact that small birds live, in a great measure, by feeding on insects, which insects, were they not so destroyed by the birds, would sting the fruit and deposit their eggs, thereby destroying large quantities of fruit every year; and as it is wicked and cruel to kill little birds, or to rob their nests, therefore,

*Be it resolved*, That the committee on agriculture be requested to inquire into the propriety of bringing in a bill making it a misdemeanor, punishable by fine, for any person to kill or rob the nests of those little birds at any season of the year.

Which was agreed to.

Mr. Coggsweil offered the following resolution :

*Resolved*, That the committee on State Prisons be requested to inquire into the expediency of abolishing the present boards of State Prison Directors, and establishing one in lieu thereof consisting of four members, two of whom shall reside north, and two south of the National road, and who shall have control and management of both prisons, and report by bill or otherwise.

Which was referred to the committee on prisons.

Mr. Stephenson offered the following resolution :

*Resolved*, That the committee on public printing be instructed to report at an early day upon the economy and expediency of abolishing the office of State Printer, and of letting the printing to the lowest bidder, and report by bill or otherwise.

Which was referred to the committee on public printing.

Mr. Caldwell offered the following resolution :

*Resolved*, That the committee on swamp lands be authorized and allowed to appoint a clerk, to serve upon said committee as long as the business thereof may require.

Which was agreed to.

Mr. Oatley offered the following resolution :

*Resolved*, That the committee on roads be requested to inquire into the expediency of so changing the road law so as to permit changes to be made in township roads on petition being presented to the county commissioners, signed by the supervisor and a majority of the road hands in the road district wherein the change of location is desired to be made.

Which was referred to the committee on roads.

Mr. St. John introduced the following concurrent resolution :

WHEREAS, It is right and proper that the free people of a great and prosperous Commonwealth should duly honor the living patriot ;

it is no less so to cherish the memory of the distinguished dead; and

WHEREAS, In the late Ashbel P. Willard, once the Governor of this State, we recognize one whose great abilities added renown to her already proud history; and

WHEREAS, It is known to this General Assembly that his tomb is marked by no monument to point the passer by or stranger to the resting place of the once eloquent orator and Statesman; and

WHEREAS, it is meet that partisan feeling should cease at the grave, and in its place should be cherished rather the memory of those splendid qualities which imparted new lustre and dignity to the Senate chamber; therefore

*Be it Resolved, by the House of Representatives, (the Senate concurring,) That His Excellency, Governor Baker be empowered and requested to contract for, and cause to be erected over the grave of the late Ashbel P. Willard, once the Governor of this State, a suitable monument, with a proper inscription, and that the sum of one thousand dollars be appropriated for that purpose, out of the State Treasury, of any moneys not otherwise appropriated.*

Which was agreed to.

*Ordered, That the Clerk inform the Senate thereof.*

Mr. Wymer introduced the following:

House Joint Resolution No. 6. Joint resolution proposing an amendment to the Constitution of the State of Indiana.

*Be it Resolved by the Senate and House of Representatives of the State of Indiana, (a majority of both Houses concurring,) That the following article be proposed as an amendment to the Constitution of said State. Which upon being agreed to by a majority of all the members elected to the next General Assembly of said State, and ratified by a majority of the electors of said State, shall become a part of said Constitution, and assigned to Article 15.*

Section 2. The Legislature may from time to time, pass laws establishing reasonable maximum rates for the transportation of passengers and freights on the different railroads in the State of Indiana, and shall prohibit running contracts between such railroad



companies, whereby discrimination is made in favor of either of such companies as against other companies owning, connecting, or intersecting lines of railroads.

Which was read a first time, and,

On motion,

Referred to the judiciary committee.

Mr. Ballenger introduced

House Bill No. 75. An act making illegal and void all contracts for the payment of attorney's fees, by the promisor in such contract.

Which was read a first time, and,

On motion,

Referred to the committee on the judiciary.

Mr. Tebbs introduced

House Bill No. 76. Entitled an act to amend an act for the redemption of real property or interest therein, sold on execution or order of sale, and providing for the issuing of certificates of purchase in such cases, etc.

Which was read a first time, and,

On motion,

Referred to the committee on the judiciary.

Mr. Cunningham introduced

House Bill No. 77. An act to amend Chapter VII of the Statutes of Indiana, defining misdemeanors, and prescribing punishments therefor, approved June 14th, 1852.

Which was read a first time, and,

On motion,

Referred to the committee on rights and privileges.

Mr. Copner introduced

House Bill No. 78. An act authorizing married women to sue in their own names in certain cases, and making their husbands competent witnesses.

Which was read a first time, and,

On motion,

Referred to the committee on temperance.

Mr. Hynes introduced

House Bill No. 79. Entitled an act to extend the time for the completion of certain railroads, and to legalize the acts of their directors.

Which was read a first time, and,

On motion,

Referred to the judiciary committee.

Mr. Cauthorn introduced

House Bill No. 80. Entitled an act to repeal section seven of an act entitled "An act providing for the appointment of Notaries Public," etc.

Which was read a first time, and,

On motion,

Referred to the committee on the judiciary.

Mr. Ballenger introduced

House Bill No. 81. Entitled an act repealing all laws creating Criminal Courts in the counties of Tippecanoe, Wayne, Allen, Vanderburg, Jefferson, Floyd, and Clarke, and transferring all business of said courts to the Circuit Courts of said counties, etc.

Which was read a first time, and,

On motion,

Referred to the committee on organization of courts.

Mr. Wilson introduced

House Bill No. 82. Entitled an act to amend an act entitled "An act to provide for the periodical enumeration of the white male inhabitants of this State, over the age of twenty-one years," etc.

Which was read a first time.

Mr. Calkins of Porter, introduced

House Bill No. 83. Entitled an act to provide for the protection of shade trees, etc.

Which was read a first time, and,

On motion,

Referred to the committee on rights and privileges.

Mr. Myers introduced

House Bill No. 84. Entitled an act to prevent prize fighting, and prescribing punishments therefor.

Which was read a first time.

#### SPECIAL ORDER FOR THE DAY.

The hour of ten o'clock A. M. having arrived, the same being the hour appointed by the House for the consideration of the two several reports from the committee on elections, on the contested election case of Robert P. Davidson, contestor, *versus* Otho K. Weekly, contestee, the same were taken up.

The Speaker ordered a call of the House.

*Those who answered to their names were, Messrs.*

Abbott,	Gallentine,	Martin of Wayne,
Ballenger,	Gentry,	Martin of Putnam,
Beeler,	Goble,	McDonald,
Biggs,	Gordon of Boone,	McDowell,
Britton,	Guthrie,	McFarland,
Browning,	Hardin,	McGowan,
Barnaby,	Hartley,	Minick,
Bruner,	Hawley,	Miles,
Butterworth,	Haynes,	Millikan,
Caldwell,	Heilman,	Mitchell,
Calkins of Porter,	Henderson,	Monroe,
Cauthorn,	Hendry,	Montgomery,
Coggsell,	Hill,	Myers,
Conner,	Holland,	Neff,
Copner,	Hooker,	Netherton,
Cox,	Hynes,	Oatley,
Cunningham,	Kennedy,	Ray,
Curtis,	King,	Rhodes,
Deputy,	Kirkpatrick,	Rice,
Devol,	Knight,	Ruddell,
Donham,	Lines,	Sansberry,
Friedley,	Logan,	Sayers,
Furnas,	Major,	Schoenemann,

Simpson,	Strickland,	Weekly,
Shutt,	Tarlton,	Wilson,
Snodgrass,	Taylor,	Wymer,
Stanley,	Tebbs,	Wood,
Stephens,	Walker,	Woodward,
Stephenson,	Washburn,	Zenor,
St. John,	Warrum,	Mr. Speaker—92.
Stone,		

On motion,

Further proceedings under the call were dispensed with.

A message from the Senate by the Secretary thereof:

MR. SPEAKER:

I am instructed by the President of the Senate to inform the House that the Senate has passed engrossed Senate Bill No. 25. Entitled an act regulating the terms of the Circuit Courts in the Fifteenth Judicial Circuit, making all process whatever returnable thereto, repealing all laws in conflict therewith, and declaring an emergency.

Also, engrossed Senate Bill No. 39. Entitled an act amendatory of an act accepting the provisions of an act of Congress of the United States entitled "an act donating lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts, providing for the receipt, investment, and management of said donation," passed March 6, 1865, and providing for an increase in the number of Trustees in the Purdue University by the election of three members of the State Board of Agriculture to the position of Trustees of said University.

Also, engrossed Senate Bill No. 1. Entitled an act to legalize bonds of cities issued to aid in the construction of water works, and the sale and hypothecation of such bonds; to legalize all orders, resolutions, and ordinances of cities for the construction of water works, and all acts done and contracts made under and in pursuance thereof; and to authorize the issue and sale of bonds, and negotiation of temporary loans, to raise money to carry out and comply with contracts heretofore made for the establishment, and to fully complete said works.

In which the concurrence of the House is requested.

The question being, under the rule, on the adoption of the minority report from the committee on elections.

Mr. Barnaby moved that the report from the minority of the committee be laid on the table.

On which the ayes and noes were demanded by Messrs. Ruddell and St. John.

The question being, shall the minority report lie upon the table?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Guthrie,	Montgomery,
Britton,	Hardin,	Neff,
Browning,	Hartley,	Oatley,
Barnaby,	Hawley,	Ray,
Bruner,	Haynes,	Rice,
Caldwell,	Henderson,	Sansberry,
Cauthorn,	Hendry,	Simpson,
Coggsell,	Holland,	Shutt,
Copner,	Hynes,	Stanley,
Cox,	Logan,	Stephens,
Cunningham,	McDonald,	Tarlton,
Curtis,	McDowell,	Tebbs,
Devol,	McFarland,	Walker,
Donham,	McGowan,	Warrum,
Gallentine,	Minick,	Zenor,
Gentry,	Miles,	Mr. Speaker—50.
Goble,	Mitchell,	

*Those who voted in the negative were, Messrs.*

Ballenger,	Gordon of Boone,	Major,
Beeler,	Heilman,	Martin of Wayne,
Biggs,	Hill,	Martin of Putnam,
Butterworth,	Hooker,	Millikan,
Calkins of Porter,	Kennedy,	Monroe,
Conner,	King,	Myers,
Deputy,	Kirkpatrick,	Netherton,
Friedley,	Knight,	Rhodes,
Furnas,	Lines,	Ruddell,

Sabin,	St. John,	Williams,
Sayers,	Stone,	Wilson,
Schoeneman,	Strickland,	Wymer,
Snodgrass,	Taylor,	Wood,
Stephenson,	Washburn,	Woodward—42.

So the report of the minority of the committee was laid on the table.

The question recurring on concurring in the report of the majority of the committee.

The ayes and noes were demanded by Messrs. Ballenger and Gordon of Boone.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Guthrie,	Mitchell,
Britton,	Hardin,	Montgomery,
Browning,	Hartley,	Neff,
Barnaby,	Hawley,	Oatley,
Bruner,	Haynes,	Ray,
Caldwell,	Henderson,	Rice,
Cauthorn,	Hendry,	Simpson,
Cogswell,	Holland,	Shutt,
Copner,	Hynes,	Stanley,
Cox,	Logan,	Stephens,
Cunningham,	McDonald,	Tarlton,
Curtis,	McDowell,	Tebbs,
Donham,	McFarland,	Walker,
Galentine,	McGowan,	Warrum,
Gentry,	Minick,	Zenor,
Goble,	Miles,	Mr. Speaker—48.

*Those who voted in the negative were, Messrs.*

Ballenger,	Deputy,	Hooker,
Beeler,	Friedly,	Kennedy,
Biggs,	Furnas,	King,
Butterworth,	Gordon of Boone,	Kirkpatrick,
Calkins of Porter,	Heilman,	Knight,
Conner,	Hill,	Lines,

Major,	Ruddell,	Stone,
Martin of Wayne,	Sabin,	Strickland,
Martin of Putnam,	Sayers,	Washburn,
Millikan,	Schoenemann,	Williams,
Monroe,	Snodgrass,	Wilson,
Myers,	Stephenson,	Wood,
Netherton,	St. John,	Woodward—40.
Rhodes,		

Messrs. Devol and Taylor were excused from voting.

So the report of the majority of the committee was concurred in.

Mr. Cauthorn moved that the resolution reported to the House in the majority report be now adopted.

Which was agreed to.

Mr. Robert P. Davidson, of Tippecanoe county, then appeared at the bar of the House, and was sworn in by the Speaker.

Mr. Neff moved that the vote just taken be reconsidered, and that the motion to reconsider be laid on the table.

Which was agreed to.

On motion of Mr. Wilson,  
The House adjourned.

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TUESDAY, JANUARY 17, 1871, 2 O'CLOCK P. M.

The House met.

Mr. Wilson arose to a question of privilege, asking that the testimony taken before the committee on elections in the Schoeneman-Wile contested election case, be furnished to the committee on the judiciary, for their information.

Which was agreed to.

## HOUSE BILLS ON THEIR THIRD READING.

Engrossed House Bill No. 2. An act to amend sections 4 and 6 of an act entitled "An act prescribing the powers and duties of coroners," approved May 27, 1852, and providing for an emergency.

Which was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative, were, Messrs.*

Abbett,	Hartley,	Oatley,
Ballenger,	Hawley,	Ray,
Beeler,	Haynes,	Rhodes,
Biggs,	Heilman,	Rice,
Britton,	Henderson,	Ruddell,
Browning,	Hendry,	Sabin,
Barnaby,	Hill,	Sansberry,
Bruner,	Holland,	Sayers,
Butterworth,	Hooker,	Simpson,
Caldwell,	Hynes,	Shutt,
Calkins of Porter,	Kennedy,	Snodgrass,
Cauthorn,	King,	Stanley,
Coggsell,	Kirkpatrick,	Stephens,
Conner,	Knight,	Stephenson,
Cox,	Lines,	St. John,
Cunningham,	Logan,	Stone,
Curtis,	Major,	Strickland,
Davidson,	Martin of Wayne,	Tarleton,
Defrees,	McDonald,	Taughinbaugh,
Deputy,	McDowell,	Taylor,
Devol,	McFarland,	Tebbs,
Donham,	McGowan,	Walker,
Friedley,	Miles,	Washburn,
Furnas,	Millikan,	Warrum,
Gallentine,	Mitchell,	Wymer,
Gentry,	Monroe,	Wood,
Goble,	Montgomery,	Woodward,
Gordon of Boone,	Myers,	Zenor,
Guthrie,	Neff,	Mr. Speaker—89.
Hardin,	Netherton,	



There being no one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered*, That the Clerk inform the Senate of the passage of the bill.

Engrossed House Bill No. 3. Entitled "An act to fix the time of holding the Circuit Court in the several counties of the Third Judicial Circuit, and repealing all laws in conflict therewith, and declaring an emergency."

Which was read a third time.

Mr. Haynes, by unanimous consent, offered the following amendment:

Commence at the words "Gibson county," and amend to read as follows: "In the county of Gibson, on the fourth of January and July of each year, and hold three weeks; in the county of Pike, on the Monday succeeding the Courts in the county of Gibson, and hold two weeks; in the county of Dubois, on the Monday succeeding the Courts in the county of Pike, and hold two weeks; in the county of Martin, on the Mondays succeeding the Courts in the county of Dubois, and hold two weeks; in the county of Daviess on the Mondays succeeding the Courts of Martin county, and hold three weeks; in Knox county, on the Mondays succeeding the Courts in Daviess county, and hold four weeks, if the business thereof require it."

Mr. Williams moved that the bill be recommitted to the special committee, with instructions to incorporate the amendment in the bill.

Which was agreed to, and

The bill was so referred, with instructions.

Engrossed House Bill No. 19. An act authorizing the Council of Jeffersonville to elect pilots, etc.

Which was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Haynes,	Oatley,
Ballenger,	Heilman,	Ray,
Biggs,	Henderson,	Rice,
Britton,	Hendry,	Sabin,
Browning,	Hill,	Schoenemann,
Barnaby,	Hooker,	Simpson,
Bruner,	Hynes,	Shutt,
Butterworth,	Kennedy,	Snodgrass,
Caldwell,	Knight,	Stanley,
Calkins of Porter,	Lines,	Stephens,
Cauthorn,	Logan,	St. John,
Coggsell,	Major,	Stone,
Conner,	Martin of Wayne,	Strickland,
Cox,	Martin of Putnam,	Tarlton,
Cunningham,	McDonald,	Taylor,
Curtis,	McDowell,	Tebbs,
Davidson,	McFarland,	Walker,
Defrees,	McGowan,	Washburn,
Deputy,	Minick,	Warrum,
Donham,	Miles,	Williams,
Gallentine,	Millikan,	Wilson,
Gentry,	Mitchell,	Wymer,
Goble,	Monroe,	Wood,
Guthrie,	Montgomery,	Woodward,
Hardin,	Neff,	Zenor,
Hartley,	Netherton,	Mr. Speaker—79.
Hawley,		

*Those who voted in the negative were, Messrs.*

Beeler,	Gordon of Boone,	Sansberry,
Friedley,	Kirkpatrick,	Taughinbaugh—6.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered*, That the Clerk inform the Senate of the passage of the bill.

Engrossed House Bill No. 74. An act to legalize certain bonds issued by the city of Columbus for the construction of water works.

Which was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Hawley,	Oatley,
Ballenger,	Haynes,	Ray,
Beeler,	Heilman,	Rhodes,
Biggs,	Henderson,	Rice,
Britton,	Hendry,	Ruddell,
Browning,	Hill,	Sabin,
Barnaby,	Holland,	Sansberry,
Bruner,	Hooker,	Sayers,
Butterworth,	Hynes,	Schoeneman,
Caldwell,	Kennedy,	Simpson,
Calkins of Porter,	Kirkpatrick,	Shutt,
Cauthorn,	Knight,	Snodgrass,
Coggsell,	Lines,	Stanley,
Conner,	Logan,	Stephens,
Copner,	Major,	Stephenson,
Cox,	Martin of Wayne,	St. John,
Cunningham,	Martin of Putnam,	Stone,
Curtis,	McDonald,	Strickland,
Davidson,	McDowell,	Tarlton,
Defrees,	McFarland,	Taughinbaugh,
Deputy,	McGowan,	Tebbs,
Donham,	Minick,	Walker,
Friedley,	Miles,	Washburn,
Gallentine,	Mitchell,	Warrum,
Gentry,	Millikan,	Wilson,
Goble,	Monroe,	Wymer,
Gordon of Boone,	Montgomery,	Wood,
Guthrie,	Myers,	Woodward,
Hardin,	Neff,	Zenor,
Hartley,	Netherton,	Mr. Speaker—89.

Mr. Williams voted in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered*, That the clerk inform the Senate of the passage of the bill.

#### HOUSE BILLS ON THEIR SECOND READING.

House Bill No. 10. Entitled an act to amend section one (1) of an act entitled "an act to amend section forty-three (43) of an act entitled 'an act providing for the settlement of decedent's estates, prescribing the rights, liabilities and duties of officers connected with the management thereof and the heirs thereto, and certain forms to be used in such settlement,' approved July 17, 1852."

Which was read a second time and ordered to be engrossed.

House Bill No. 11. An act fixing the beginning of the terms of the Court of Common Pleas of Dearborn county in the Fifth Judicial District.

Which was read a second time and ordered to be engrossed.

House Bill No. 36. Entitled an act to amend section two of an act to amend certain sections of an act to provide for the registry of voters, etc.

Which was read a second time, and,

On motion,

Referred to the committee on elections.

House Bill No. 37. Entitled an act providing for and describing the manner of selling real estate, or any interest therein, on execution or order of sale, etc.

Which was read a second time.

Mr. Kennedy moved to amend by inserting a proviso as section 3, which shall read as follows, to-wit:

*"And provided further,* That any judgment under which real

property shall have been sold under the provisions of this act, shall bear ten per cent. interest from the date of such sale."

Mr. Neff moved to lay the amendment on the table.

On which Messrs. Ruddell and St. John demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Hardin,	Montgomery,
Browning,	Hartley,	Neff,
Barnaby,	Hawley,	Netherton,
Bruner,	Haynes,	Oatley,
Butterworth,	Henderson,	Ray,
Caldwell,	Hendry,	Rice,
Coggsell,	Hynes,	Schoenemann,
Conner,	Logan,	Simpson,
Cox,	Major,	Shutt,
Cunningham,	Martin of Putnam,	Stephens,
Curtis,	McDonald,	Strickland,
Davidson,	McDowell,	Tarlton,
Donham,	McFarland,	Tebbs,
Gallentine,	McGowan,	Walker,
Gentry,	Minick,	Wilson,
Goble,	Miles,	Woodward,
Guthrie,	Mitchell,	Zenor—51.

*Those who voted in the negative were, Messrs.*

Ballenger,	Hill,	Rhodes,
Beeler,	Holland,	Ruddell,
Biggs,	Hooker,	Sabin,
Calkins of Porter,	Kennedy,	Sansberry,
Cauthorn,	King,	Sayers,
Defrees,	Kirkpatrick,	Snodgrass,
Deputy,	Knight,	Stanley,
Devol,	Lines,	Stephenson,
Friedley,	Martin of Wayne,	St. John,
Furnas,	Millikan,	Stone,
Gordon of Boone,	Monroe,	Taughinbaugh,
Heilman,	Myers,	Taylor,

Washburn,  
Warrum,

Williams,  
Wymer,

Wood,  
Mr. Speaker—42.

So the motion to lay the amendment on the table prevailed.

When,

On motion,

The bill was referred to the committee on the judiciary.

A message from the Senate by the Secretary thereof:

MR. SPEAKER:

I am instructed by the President of the Senate to inform the House that the Senate has passed engrossed Joint Resolution No. 2, of the Senate, entitled, "A joint resolution ceding to the United States jurisdiction over certain lands in Jeffersonville, Indiana, to be used for military purposes." In which action of the Senate the House is respectfully requested to concur.

Also, that the President of the Senate has signed enrolled Joint Resolution of the House No. 1, entitled, "A joint resolution in relation to the granting of pensions to the surviving soldiers of the war of 1812," and the same is herewith returned to the House.

House Bill No. 49. An act to authorize the collection of debts in the township where contracted.

Which was read a second time and,

On motion,

Referred to the committee on the judiciary.

House Bill No. 52. Entitled an act concerning extortions.

Which was read a second time and,

On motion,

Referred to the committee on the judiciary.

House Bill No. 56. Entitled an act to amend section 13 of an act entitled "an act providing for the election and qualification of justices of the peace, and defining their powers and duties in civil cases."

Which was read a second time and,

On motion,

Referred to the committee on the judiciary.

House Bill No. 57. Entitled an act to amend sections one and ten of an act entitled "an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases."

Which was read a second time and,

On motion,

Referred to the committee on the judiciary.

House Bill No. 58. Entitled an act to establish Superior Courts, defining their jurisdiction, and providing for the election and compensation of the judges thereof.

Which was read a second time and,

On motion,

Referred to the committee on the organization of courts.

By the unanimous consent of the House, the committee on the judiciary was allowed a clerk and a messenger.

House Bill No. 61. An act to reimburse the several townships where a special tax has been voted by a majority of the citizens thereof in aid of turnpike, macadamized and railroads.

Which was read a second time, and,

On motion,

Referred to the committee on highways.

When,

On motion of Mr. Walker,

The House adjourned.

## WEDNESDAY MORNING.

JANUARY 18th, 1871, 9 O'CLOCK.

The House met.

Prayer by the Rev. J. M. Crawford.

The Journal of yesterday was read in part, when,

On motion of Mr. Friedley,  
The further reading was dispensed with.

Mr. Walker offered the following resolution :

*Resolved*, That the committee on ways and means inquire what legislation is necessary to enable the County Auditor and County Treasurer to collect the delinquent taxes.

Which was read, and,

On motion,  
Referred to the committee on ways and means.

Mr. Friedley introduced

House Joint Resolution No. 7. A joint resolution instructing our Senators and requesting our Representatives in Congress to secure the passage of a law to equalize the bounties of the soldiers and seamen of the United States in the war of the rebellion.

Under the constitutional rule, the ayes and noes were taken.

The question being, shall the joint resolution pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Barnaby,	Cauthorn,
Ballenger,	Bruner,	Coggsell,
Biggs,	Butterworth,	Conner,
Britton,	Caldwell,	Copner,
Browning,	Calkins of Fulton,	Cox,



Cunningham,	Kirkpatrick,	Sansberry,
Curtis,	Knight,	Schoenemann,
Davidson,	Lines,	Simpson,
Deputy,	Logan,	Shutt,
Devol,	Major,	Snodgrass,
Defrees,	Martin of Wayne,	Stanley,
Donham,	Martin of Putnam,	Stephens,
Friedley,	McDonald,	Stephenson,
Furnas,	McDowell,	St. John,
Gallentine,	McFarland,	Stone,
Gentry,	McGowan,	Strickland,
Goble,	Minick,	Tarlton,
Gordon of Boone,	Miles,	Taughinbaugh,
Guthrie,	Millikan,	Taylor,
Hardin,	Mitchell,	Tebbs,
Hartley,	Monroe,	Walker,
Hawley,	Montgomery,	Washburn,
Haynes,	Myers,	Warrum,
Heilman,	Neff,	Williams,
Henderson,	Netherton,	Wilson,
Hendry,	Oatley,	Wymer,
Hill,	Ray,	Wood,
Hynes,	Rhodes,	Woodward,
Kennedy,	Rice,	Zenor,
King,	Sabin,	Mr. Speaker—90.

There being none voting in the negative.

So the joint resolution passed.

*Ordered,* That the Clerk inform the Senate thereof.

Mr. Wood presented the petition of sundry citizens of Lake county for a repeal or modification of our divorce laws.

Which was read, and,

On motion,

Referred to the committee on rights and privileges.

Mr. Simpson presented the pay rolls of four companies, for services during the Morgan raid.

Which were referred to the committee on claims.

Mr. Stone presented the petition of citizens of Randolph county, on the subject of the repeal or modification of our divorce laws.

Which was read, and,

On motion,

Referred to the committee on rights and privileges.

Mr. Miles presented the following petition: A petition of certain citizens of Sullivan county, asking an appropriation to assist in constructing a levee on the Wabash river, in the county of Sullivan, for a distance of eight miles.

Which was,

On motion,

Referred to the committee on drains and levees.

Mr. Wilson presented a memorial from members of the Marion county Bar, asking that the General Assembly pass at an early day, the bill now pending before it, providing for the organization of Superior Courts.

Which was,

On motion,

Referred to the committee on the organization of courts.

#### INTRODUCTION OF BILLS.

Mr. Browning introduced

House Bill No. 85. Entitled an act to provide for the sale of lands returned delinquent for the non-payment of taxes, providing for the recovery of such taxes, penalty, interest, and cost, by action in the Common Pleas or Circuit Court, the mode of procedure therein, prescribing the duties of certain officers in relation thereto, the sale by the proper sheriff thereof, conveyance to purchaser, the effect thereof, and what cases, and how redemption thereof may be had, and compensation of the attorney prosecuting in such proceeding.

Which was read a first time, and,

On motion,

Referred to the committee on county and township business.

Mr. Kirkpatrick introduced

House Bill No. 86. Entitled an act in relation to road tax.

Which was read a first time, and,

On motion,

Referred to the committee on roads.

Mr. Hawley introduced

House bill No. 87. An act repealing section two of an act entitled "An act repealing sections two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, nineteen, twenty, twenty-one, and twenty-two of an act to provide for the registry of voters, and to declare their residence, and to punish fraudulent practices touching elections, and defining the duties of certain officers therein named, and the form of the ballots, and providing compensation for the services of such officers," approved March 11th, 1867, and prescribing further duties of officers of elections, and providing for the appointment of the necessary officers and clerks for holding such elections, approved May 13th, 1869.

Which was read a first time, and,

On motion,

Referred to the committee on elections.

Mr. Zenor introduced

House Bill No. 88. Entitled an act authorizing Coroners in certain cases to appoint Special Constable, and defining his duty, and requiring Coroners and Justices to file papers of inquest in the Clerk's office of said county.

Which was read a first time and passed to its second reading.

Mr. Ruddell introduced

House Bill No. 89. An act directing the assignee of any note or notes secured by mortgage, and intending to rely upon the security afforded by such mortgage to cause such assignment to be placed on record with the record of such mortgage, and providing if he fail to do so, that he need not be made a party to a foreclosure of any mortgage of the property conveyed on said mortgage, and declaring

his equity of redemption forever barred and foreclosed, although not a party to such proceeding.

Which was read a first time, and,  
On motion,  
Referred to the judiciary committee.

Mr. Ruddell introduced

House Bill No. 90. Entitled an act amending section 173 of an act entitled "An act to revise, simplify, and abridge the rules, practice, pleading, and forms in civil causes in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, authorizing the Court, or Judge thereof, in vacation, or the Sheriff in vacation, to sell property attached under certain circumstances.

Which was read a first time, and passed to its second reading.

Mr. Mitchell introduced

House Bill No. 91. Entitled an act to define the offense of being intoxicated from the use of intoxicating liquors, declaring the same a misdemeanor, and prescribing punishment therefor.

Which was read a first time, and,  
On motion,  
Referred to the committee on temperance.

Mr. Cunningham introduced

House Bill No. 92. Entitled an act to amend sections one, twenty-five and thirty-three of "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named," and declaring an emergency.

Which was read a first time, and,  
On motion,  
Referred to the committee on education.

Mr. Biggs introduced

House Bill No. 93. Entitled an act to amend section two hundred and seven of chapter one article eleven, of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity."

Which was read a first time, and passed to its second reading.

Mr. Furnas introduced

House Bill No. 94. An act for the protection and further promotion of the agricultural and horticultural interests of the State, and creating the office of State Entomologist, defining his duties, fixing his salary, providing for the publication of his report, and appropriating money for his salary and necessary traveling expenses.

Which was read a first time, and,

On motion,

Referred to the committee on agriculture.

Mr. Conner introduced

House Bill No. 95. Entitled an act requiring the county commissioners to contract for the blank books, blanks and stationery for the county offices.

Which was read a first time, and,

On motion,

Referred to the committee on county and township business.

Mr. Cogswell introduced

House bill No. 96. An act to amend section forty-five of an act entitled "An act to provide for the opening, vacating, and change of highways," approved June 17, 1852.

Which was read a first time, and,

On motion,

Referred to the committee on roads.

Mr. Tebbs introduced

House Bill No. 97. An act to amend section twenty-seven, of an act entitled "An act to provide for a general system of common schools, the officers thereof, their respective duties and powers, and matters properly connected therewith, etc.

Which was read a first time, and,

On motion,

Referred to the committee on education.

Mr. Cox introduced

House Bill No. 98. An act to amend an act entitled "An act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incidental thereto."

Which was read a first time, and,

On motion,

Referred to the judiciary committee.

Mr. Washburne introduced

House Bill No. 99. An act to regulate the sale of alcoholic liquors, drugs, medicines, and poisons.

Which was read a first time, and,

On motion,

Referred to the committee on rights and privileges.

Mr. Hooker introduced

House Bill No. 100. An act entitled "An act for the improvement of highways, and providing the same to be worked, improved, and kept up by taxation, and prescribing the duties of township trustee, county treasurer, and board of county commissioners, and repealing all laws conflicting therewith.

Which was read a first time, and,

On motion,

Referred to the committee on highways.

Mr. Haynes introduced

House Bill No. 101. Entitled an act to amend section 9 of an

act entitled "An act to enable incorporated towns to lay out, open, grade and improve streets and alleys, and make public improvements therein, and to make surveys, and adopt plats where the same have been lost or destroyed, and prescribing the duties of the board of trustees, and providing for the mode of working and improving streets and alleys, and declaring an emergency."

Which was read a first time, and,

On motion,

Referred to the committee on county and township business.

Mr. Gordon of Boone, introduced

House Bill No. 102. Entitled an act to amend section 2 of "An act to provide for the protection of wild game, etc."

Which was read a first time, and,

On motion,

Referred to the committee on rights and privileges.

Mr. Calkins of Porter, introduced

House Bill No. 103. A bill to provide for taking the sense of the qualified voters of this State on the calling of a convention to alter, amend or revise the constitution of this State, and providing for notice thereof.

Which was read a first time, and,

On motion,

Referred to the committee on rights and privileges.

Mr. Major introduced

House Bill No. 104. An act defining the powers and duties of township trustees in relation to the building of graded school-houses in their respective townships, and matters properly connected therewith.

Which was read a first time, and,

On motion,

Referred to the committee on education.

Mr. Stone introduced

House Bill No. 105. Entitled an act entitled "An act allowing

persons to make certain improvements on the public highways and streets, and providing the manner of payments therefor," and declaring an emergency.

Which was read a first time, and,

On motion,

Referred to the committee on highways.

Mr. Holland introduced

House Bill No. 106. An act to prevent electors from voting for persons for road supervisors in other districts other than that in which the elector resides.

Which was read a first time, and,

On motion,

Referred to the committee on roads.

Mr. Lines introduced

House Bill No. 107. Entitled an act to amend section 2 of an act entitled "An act to provide for the protection of wild game, and defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act, repealing all laws inconsistent therewith," and declaring an emergency.

Which was read a first time, and,

On motion,

Referred to the committee on rights and privileges.

Mr. Bruner introduced

House Bill No. 108. An act to repeal an act entitled "An act to provide for the protection of fish, defining the time in which they may be trapped, netted or seined, affixing the penalty for the violation of the act," and declaring an emergency. Approved March 9, 1867.

Which was read a first time, and,

On motion,

Referred to the committee on rights and privileges.

Mr. Rice introduced

House Bill No. 109. Entitled an act to amend the 39th section



of an act entitled "An act to provide for the opening, vacating and change of highways."

Which was read a first time, and,

On motion,

Referred to the committee on highways.

Mr. Martin of Wayne, introduced

House Bill No. 110. Entitled an act amending section 2 of an act entitled "An act to provide for the registry of voters, and to declare their residence, and to punish fraudulent practices touching elections, and defining the duties of certain officers therein named, and the form of the ballots, and providing compensation for the services of such officers of elections, approved May 13, 1869, and prescribing further duties of the officers of the elections, and providing for the appointment of the necessary officers and clerks for holding such elections."

Which was read a first time, and,

On motion,

Referred to the committee on elections.

Mr. Davidson introduced

House Bill No. 111. Entitled an act to repeal "An act to authorize aid to the construction of railroads by counties and townships, taking stock in and making donations to railroad companies."

Which was read a first time, and,

On motion,

Referred to the committee on railroads.

Mr. Stephens introduced

House Bill No. 112. An act to amend section seventy-seven of an act providing for the settlement of decedents' estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof and the heirs thereto, and certain forms to be used in such settlement, approved June 17, 1852.

Which was read a first time and,

On motion,

Referred to the judiciary committee.

Mr. McDowell introduced

House Bill No. 113. An act to amend an act entitled "an act defining misdemeanors, and prescribing punishment therefor."

Which was read a first time and,

On motion,

Referred to committee on judiciary.

Mr. St. John introduced

House Bill No. 114. An act relating to Boards of County Commissioners, and requiring such boards to publish expenditures and allowances quarterly.

Which was read a first time and,

On motion,

Referred to the committee on county and township business.

Mr. Ballenger introduced

House Bill No. 115. An act repealing an act entitled "an act to repeal section 31 of an act concerning real property, and the alienation thereof, approved May 6th, 1852," approved May 4th, 1869.

Which was read a first time.

Mr. McDonald introduced

House Bill No. 116. Entitled an act to amend an act entitled "an act to organize a Supreme Court, and prescribing certain duties of the judges thereof," approved May 13, 1852, creating an additional judge of said Court, and declaring an emergency.

Which was read a first time and,

On motion,

Referred to the committee on the organization of courts.

Mr. Rhodes introduced

House Bill No. 117. Entitled an act amending section one of an act to authorize township trustees, trustees of incorporated towns, and the common councils of cities, to levy a tax for school purposes, approved March 9, 1867.

Which was read a first time and,

On motion,

Referred to the committee on education.

Mr. Stephenson offered the following resolution :

*Resolved*, That the committee on claims be instructed to inquire into the validity and equity of the claim of Mrs. Rebecca Williamson of Hamilton county, Indiana, on account of services rendered by her husband, now deceased, at Camp Stillwell, Kokomo, Indiana, as Post Surgeon during the war.

Which was,

On motion,

Referred to the committee on claims.

Mr. Copner offered the following resolution :

*Resolved*, That the Clerk of the House be directed to prepare the "order of business," as fixed by the standing rules, and have 500 slips containing the same printed for the use of the Speaker, clerks, and members.

Which was agreed to.

Mr. Browning introduced the following concurrent resolution :

WHEREAS, On the 15th day of December, A. D. 1863, one John Baker was enrolled as a private soldier in Company "C" of the Thirteenth Regiment of Indiana Veteran Volunteers, to serve three years or during the war; and that he was honorably discharged as a Corporal of Lt. S. C. Gourley's Company "C," of the aforesaid Regiment, at Madison, Indiana, on the 20th day of June, 1865, by reason of a telegram from A. G. O., May 3d and 16th, 1865; that he was, when he enlisted in said service, set down to the credit of the city of Indianapolis, Indiana, for which a special bounty of four hundred dollars was provided by the said city of Indianapolis, which said amount of four hundred dollars was paid into bank, and remained there until the expiration of two years, when the same was paid into the State Treasury, March 19, 1867, to the credit of the fund arising from "estates without heirs;" that he did not know that said sum had been paid for him, or that he was entitled to said local bounty until a short time ago; that he was sick and absent from his regiment when discharged, and consequently not informed concerning said bounty; therefore,

*Be it resolved*, (the Senate concurring,) That the Treasurer of State of Indiana be and he is hereby authorized and directed to pay

said John Baker the sum of four hundred dollars, to be paid out of the fund arising from "estates without heirs."

Which was read and,  
On motion,  
Referred to the committee on claims.

Mr. McDonald offered the following:

*Resolved*, That Hon. R. P. Davidson, of Tippecanoe county, be and he is hereby added to the committee on the judiciary, and also to the committee on the organization of courts.

Which was agreed to.

Mr. Miles offered the following:

*Resolved*, That the further services of the messenger to the judiciary committee be dispensed with.

The question being on the adoption of the resolution.

Messrs. Ballenger and Ruddell demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Ballenger,	Hendry,	Ruddell,
Beeler,	Hill,	Sansberry,
Biggs,	Hooker,	Schoenemann,
Britton,	Knight,	Snodgrass,
Butterworth,	Lines,	Stanley,
Caldwell,	Major,	Stephenson,
Conner,	Martin of Putnam,	Stone,
Defrees,	Minick,	Taughinbaugh,
Deputy,	Miles,	Walker,
Devol,	Millikan,	Washburn,
Guthrie,	Mouroe,	Warrum,
Hardin,	Myers,	Williams,
Hartley,	Netherton,	Zenor—41.
Heilman,	Rhodes,	

*Those who voted in the negative were, Messrs.*

Abbett,	Browning,	Barnaby,
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Bruner,	Haynes,	Oatley,
Cauthorn,	Henderson,	Ray,
Coggswell,	Holland,	Sabin,
Copner,	Hynes,	Simpson,
Cox,	Kennedy,	Shutt,
Cunningham,	King,	Stephens,
Curtis,	Kirkpatrick,	St. John,
Davidson,	Logan,	Strickland,
Donham,	Martin of Wayne,	Tarlton,
Friedley,	McDonald,	Taylor,
Furnas,	McDowell,	Tebbs,
Gallentine,	McFarland,	Wilson,
Goble,	McGowan,	Wymer,
Gordon of Boone,	Mitchell,	Wood,
Gordon of Cass,	Montgomery,	Woodward,
Hawley,	Neff,	Mr. Speaker—51.

So the resolution did not prevail.

A message from the Senate by Mr. Harrison, Secretary thereof.

MR. SPEAKER:

I am instructed by the President of the Senate to inform the House that the Senate has passed the following concurrent resolution, to wit:

*Be it Resolved by the Senate* (the House of Representatives concurring), That it is inexpedient to take any legislative action on the subject of the resumption by the State of the Wabash and Erie Canal, excepting for the purpose of submitting the matter in some appropriate form to the people of the State, and to protect the Canal from sale, and its revenues from sequestration.

*Resolved by the Senate* (the House of Representatives concurring), That this General Assembly of the State of Indiana will make provision for the payment of the principal and interest of the old bonds of the State, issued prior to the year 1841, and not surrendered under the legislation of 1846 and 1847, known as the "Butler Bills."

In which the concurrence of the House is requested.

H. J.—15

Mr. Friedley offered the following resolution :

*Resolved*, That Robert T. St. John, of Grant county, be added to the committee on judiciary.

Which was agreed to.

Engrossed Senate joint resolution No. 2. Ceding to the United States jurisdiction over certain lands in Jeffersonville, Indiana, to be used for military purposes.

The question being, shall the joint resolution pass?

The ayes and noes were taken under the constitutional rule.

*Those who voted in the affirmative were, Messrs.*

Abbott,	Gallentine,	Martin of Wayne,
Ballenger,	Gentry,	Martin of Putnam,
Beeler,	Goble,	McDonald,
Biggs,	Gordon of Boone,	McDowell,
Britton,	Gordon of Cass,	McFarland,
Browning,	Guthrie,	McGowan,
Barnaby,	Hardin,	Minick,
Bruner,	Hartley,	Miles,
Butterworth,	Hawley,	Millikan,
Caldwell,	Haynes,	Mitchell,
Calkins of Fulton,	Heilman,	Monroe,
Calkins of Porter,	Henderson,	Montgomery,
Cauthorn,	Hendry,	Myers,
Coggsell,	Hill,	Neff,
Conner,	Holland,	Netherton,
Copner,	Hooker,	Oatley,
Cox,	Hynes,	Rawles,
Cunningham,	Kennedy,	Ray,
Davidson,	King,	Rhodes,
Deputy,	Kirkpatrick,	Rice,
Devol,	Knight,	Ruddell,
Donham,	Lines,	Sabin,
Friedly,	Logan,	Sansberry,
Furnas,	Major,	Schoenemann,

Simpson,	Tarlton,	Williams,
Schutt,	Taughinbaugh,	Wilson,
Snodgrass,	Taylor,	Wymer,
Stanley,	Tebbs,	Wood,
Stephens,	Walker,	Woodward,
St. John,	Washburn,	Zenor,
Stone,	Warrum,	Mr. Speaker—94.
Strickland,		

There being no one voting in the negative.

So the joint resolution passed.

*Ordered*, That the Clerk inform the Senate of the passage of the joint resolution.

Mr. Hardin, by the unanimous consent of the House, offered the following resolution:

*Resolved*, That the committee on education inquire as to the expediency of amending the common school law, so as to prohibit those who have no children to educate from participating in the election of teachers for schools.

Mr. Michell moved the resolution be laid on the table.

Which was not agreed to, and the resolution was referred to the committee on education.

Leave of absence for an indefinite period was granted to Mr. White, by the unanimous consent of the House, on account of sickness.

When,

On motion of Mr. Williams,  
The House adjourned.

WEDNESDAY, JANUARY 18, 1871, 2 O'CLOCK P. M.

The House met.

SENATE BILLS ON THEIR FIRST READING.

Engrossed Senate Bill No. 1. Entitled an act to legalize bonds of cities issued to aid in the construction of water works, and sale and hypothecation of such bonds; to legalize all orders, resolutions and ordinances of cities for the construction of water works, and all acts done and contracts made under and in pursuance thereof, and to authorize the issuing and sale of bonds, and negotiating of temporary loans, to raise money, and to carry out and comply with contracts heretofore made, for the establishment and construction of water works, and to fully complete said works.

Which was read a first time.

Mr. Calkins of Porter, moved to suspend the constitutional rule, requiring bills to be read on three several days, and that the bill be read a second time by its title now.

The ayes and noes were taken under the constitutional rule.

The question being, shall the rules be suspended?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Friedley,	King,
Ballenger,	Furnas,	Kirkpatrick,
Biggs,	Gallentine,	Knight,
Browning,	Goble,	Lines,
Bruner,	Gordon of Boone,	Logan,
Caldwell,	Hardin,	Major,
Calkins of Porter,	Hartley,	Martin of Wayne,
Cauthorn,	Hawley,	McDonald,
Coggsell,	Haynes,	McFarland,
Conner,	Henderson,	McGowan,
Curtis,	Hendry,	Miles,
Davidson,	Holland,	Millikan,
Defrees,	Hooker,	Mitchell,
Devol,	Hynes,	Monroe,
Donham,	Kennedy,	Montgomery,



Myers,	Shutt,	Walker,
Neff,	Snodgrass,	Washburn,
Oatley,	Stanley,	Warrum,
Ray,	Stephens,	Wilson,
Ruddell,	Stephenson,	Wymer,
Sabin,	St. John,	Wood,
Sansberry,	Tarlton,	Woodward,
Sayers,	Taughinbaugh,	Zenor,
Schoeneman,	Taylor,	Mr. Speaker—74.
Simpson,	Tebbs,	

*Those who voted in the negative were, Messrs.*

Britton,	Cunningham,	Heilman,
Cox,	Gentry,	McDowell—6.

So the rules were suspended, and the bill was read a second time by its title, ordered to be engrossed, and passed to its third reading.

Engrossed Senate Bill No. 25. An act regulating the terms of the circuit courts in the Fifteenth Judicial Circuit, and making all process whatever returnable thereto, repealing all laws in conflict therewith, and declaring an emergency.

Which was read a first time, and passed to its second reading on to-morrow.

Engrossed Senate Bill No. 39. An act amendatory of an act accepting the provision of an act of the Congress of the United States of America entitled "An act donating lands to the several States and Territories, which may provide colleges for the benefit of agriculture and mechanic arts, providing for the receipt, investment and management of said donation," passed March 5, 1865, and providing for an increase of the number of trustees in the Purdue University, and the election of four members of the State Board of Agriculture, as trustees of Purdue University.

Which was read a first time, and passed to its second reading on to-morrow.

#### HOUSE BILLS ON THEIR THIRD READING.

Engrossed House Bill No. 10. Entitled an act to amend section

one (1) of an act entitled "An act to amend section forty-three (43) of an act entitled an act providing for the settlement of decedent estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved July 17, 1852; approved February 19, 1869.

Which was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Haynes,	Oatley,
Ballenger,	Heilman,	Ray,
Biggs,	Henderson,	Rhodes,
Britton,	Hendry,	Rice,
Browning,	Hill,	Ruddell,
Barnaby,	Holland,	Sabin,
Bruner,	Hooker,	Sayers,
Butterworth,	Hynes,	Schoenemann,
Caldwell,	Kennedy,	Simpson,
Calkins of Porter,	King,	Shutt,
Coggsell,	Kirkpatrick,	Snodgrass,
Conner,	Knight,	Stanley,
Copner,	Lines,	Stephens,
Cox,	Logan,	Stephenson,
Cunningham,	Major,	St. John,
Curtis,	Martin of Wayne,	Strickland,
Defrees,	McDonald,	Tarlton,
Deputy,	McDowell,	Taughinbaugh,
Donham,	McFarland,	Taylor,
Friedley,	McGowan,	Tebbs,
Furnas,	Minick,	Walker,
Gallentine,	Miles,	Washburn,
Gentry,	Millikan,	Williams,
Goble,	Mitchell,	Wilson,
Gordon of Boone,	Monroe,	Wymer,
Gordon of Cass,	Montgomery,	Wood,
Guthrie,	Myers,	Woodward,
Hardin,	Neff,	Zenor,
Hartley,	Netherton,	Mr. Speaker—88.
Hawley,		

*Those who voted in the negative were, Messrs.*

Davidson,	Martin of Putnam,	Warrum—5.
Devol,	Sansberry,	

So the bill passed.

The question being, shall the title as read stand as the title of the bill.

It was so ordered.

*Ordered*, That the Clerk inform the Senate of the passage of the bill.

A message from the Senate by the Secretary thereof:

MR. SPEAKER:

I am instructed by the President of the Senate to inform the House, that the Senate has passed the following joint resolution: Entitled a joint resolution proposing an amendment to the Constitution, by adding to the tenth article a section in relation to the debt charged upon the Wabash and Erie Canal, in which the House is requested to concur.

Engrossed House Bill No. 11. An act fixing the beginning of the terms of the Court of Common Pleas of Dearborn county in the Fifth Judicial District.

Which was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Caldwell,	Davidson,
Ballenger,	Calkins of Porter,	Defrees,
Beeler,	Cauthorn,	Deputy,
Biggs,	Coggsell,	Devol,
Britton,	Conner,	Donham,
Browning,	Copner,	Friedly,
Barnaby,	Cox,	Furnas,
Bruner,	Cunningham,	Gallentine,
Butterworth,	Curtis,	Gentry,

Goble,	McDonald,	Shutt,
Gordon of Boone,	McDowell,	Snodgrass,
Gordon of Cass,	McFarland,	Stanley,
Guthrie,	McGowan,	Stephens,
Hardin,	Minick,	Stephenson,
Hartley,	Miles,	St. John,
Hawley,	Millikan,	Stone,
Haynes,	Mitchell,	Strickland,
Heilman,	Monroe,	Tarlton,
Henderson,	Montgomery,	Taughinbaugh,
Hendry,	Myers,	Taylor,
Hill,	Neff,	Tebbs,
Holland,	Netherton,	Walker,
Hooker,	Oatley,	Washburn,
Hynes,	Ray,	Warrum,
Kennedy,	Rhodes,	Williams,
Kirkpatrick,	Rice,	Wilson,
Knight,	Ruddell,	Wymer,
Lines,	Sabin,	Wood,
Logan,	Sansberry,	Woodward,
Major,	Sayers,	Zenor,
Martin of Wayne,	Schoenemann,	Mr. Speaker—95.
Martin of Putnam,	Simpson,	

There being no one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill.

It was so ordered.

*Ordered*, That the Clerk inform the Senate of the passage of the bill.

#### HOUSE BILLS ON THEIR SECOND READING.

House Bill No. 62. Entitled an act to amend and consolidate the several acts relating to the protection and preservation of game, birds and fish.

Which was read a second time.

Mr. Hardin moved the following amendment:

By inserting in the proper place the following: "*Provided*, That nothing herein contained shall be so construed as to prohibit any owner or owners of inclosed lands from hunting on his inclosed premises within the times allowed for hunting at all times as prescribed."

Mr. Cox offered the following amendment;

Amend by inserting "November instead of October."

Mr. Hawley offered the following amendment:

Amend by adding "turkey vulture."

Mr. Browning offered the following amendment:

"Strike out all after the enacting clause."

Mr. Haynes offered the following amendment:

Insert in the proper place; "*Provided*, That by the provisions of this bill, no one is to be prohibited from fishing in artificial ponds on his own property."

Mr. Williams offered the following amendment:

"*Provided*, That nothing in this act shall be so construed as to prevent the owners of inclosed lands from trapping or netting quails upon their own lands."

Mr. Calkins of Porter offered the following amendment:

Amend by striking out "Bobolink" from the bill.

All of which amendments with the bill, were,

On motion,

Referred to the committee on rights and privileges.

House Bill No. 64. Entitled an act to amend sections one and two of an act entitled "An act to authorize aid to the construction of railroads by counties and townships taking stock in, and making donations to railroad companies," approved May 12, 1869.

Which was read a second time, and,

On motion,

Referred to the committee on railroads.

The Speaker laid before the House the report of the Superintendent of Public Instruction.

Mr. Browning offered the following amendment to House Bill No. 64 :

Amend by striking out emergency clause.

Which was,

On motion,

Referred to the committee on railroads, with the bill.

House Bill No. 68. An act to amend an act entitled "An act districting the State for the purpose of electing four Judges of the Supreme Court," approved February 19, 1852, and creating the fifth district.

Which was read a second time, and,

On motion,

Referred to the committee on the organization of courts.

House Bill No. 82. An act to amend an act entitled "An act to provide for the periodical enumeration of the white inhabitants of this State over the age of twenty-one years, etc.

Which was read a second time, and ordered to be engrossed, and passed to its third reading.

House Bill No. 84. Entitled an act to prevent prize fighting, and prescribing punishments therefor.

Which was read a second time, ordered to be engrossed, and passed to a third reading.

Mr. Ballenger introduced the following resolution :

WHEREAS, By section 1, article 7 of the Constitution of Indiana, it is provided that the judicial power of the State shall be vested in a Supreme Court, in Circuit Courts, and such inferior courts as the General Assembly may establish ; and,

WHEREAS, The General Assembly has, by law, established a system of courts known as Common Pleas Courts, with jurisdiction in most all respects the same as that conferred on the Circuit Courts ; and,

WHEREAS, The Judicial Circuits and Common Pleas Districts, in

territory, lap over each other, and are constituted without reference one to the other; and,

WHEREAS, Each Judicial Circuit has a Prosecuting Attorney, and each Common Pleas District has a District Attorney, as the courts are now organized; and,

WHEREAS, The economy and propriety of two systems of courts of nearly similar jurisdiction, in the same county, may admit of grave question; therefore,

*Be it resolved*, That the committee on the organization of courts are hereby instructed to inquire into the expediency of abolishing the Common Pleas Courts in this State, and so lessening the Judicial Circuits that the Circuit Courts may transact all the business in the several counties of the State, and to report by bill or otherwise.

Which was,

On motion,

Referred to the committee on the organization of courts.

Mr. Neff moved that the constitutional amendment offered by him in relation to the Wabash and Erie Canal Bonds, be taken from the table, referred to a special committee of five, and made the special order for Tuesday next, at 2½ o'clock P. M.

Which was agreed to.

The Speaker then announced the following as the committee:

Messrs. Neff, Biggs, Sayers, Rhodes, and Cauthorn.

Mr. Browning introduced

House Bill No. 118. Entitled an act to amend section (31) thirty-one of an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees of certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed.

Which was read a first time and,

On motion,

Referred to the committee on education.

Mr. Mitchell presented the following report of a meeting of certain citizens of Monroe county :

At a meeting of the citizens of Bloomington and vicinity, in the M. E. Church, on Monday evening, January 16th, 1871, the following resolution was offered by R. C. Foster, and adopted :

*Resolved*, That Hon. James Hughes, our Senator, and Hon. P. L. D. Mitchell, our Representative, be requested to urge the passage of an amendment to the present liquor law requiring the applicant for license to have his petition signed by a majority of the legal voters of the township in which he desires to sell before presenting the same to the Board of Commissioners ; and that the Secretary of this meeting send a copy of this resolution to those gentlemen.

[Signed,] W. F. BROWNING, Chairman.

J. H. LOUDEN, Secretary.

Which was,

On motion,

Referred to the committee on temperance.

Mr. Mitchell offered the following resolution :

*Resolved*, That the committee on benevolent institutions be and are hereby instructed to return House Bill No. 60, being a bill entitled "an act providing for the election of a Board of Supervisors for the benevolent institutions of the State, and prescribing some of the duties of said officers, etc.;" which bill was referred to said committee.

Which was agreed to.

The Speaker laid before the House the following communication :

GOOD TEMPLARS' HALL,  
INDIANAPOLIS, Jan. 19, 1871.

At the convention of Good Templars now in session, a committee was appointed to wait on the Legislature and present the following invitation :

*To the Hon. Speaker and members of the House of Representatives of the State of Indiana :*

Your honorable body is respectfully and earnestly invited to



attend a temperance mass meeting to be held this (Wednesday) night, at the First Christian Church, corner of Delaware and Ohio streets.

Very respectfully,

E. B. REYNOLDS, W. C. T.

W. H. ONGLEY, Secretary.

Mr. Heilman offered the following resolution :

*Resolved*, That the Doorkeeper of the House be and he is hereby directed to procure six copies of the Sunday Post, wrapped and stamped, to be laid upon the desks of the members of this House.

Mr. McDonald moved to lay the whole subject on the table.

Which was not agreed to.

Mr. Simpson offered the following amendment :

*Resolved*, That six copies of each weekly paper published in the city of Indianapolis be contracted for and delivered to each member of this House, wrapped and stamped: *Providing*, That nothing in this resolution be construed to interfere with contracts already made.

Which,

On motion of Mr. Biggs,  
Was laid on the table.

The question recurring on the adoption of the original resolution.

It was agreed to.

Mr. Copner introduced the following House concurrent resolution :

WHEREAS, By the Constitution of the State of Indiana, article two, section two, it is declared that every "*white* male citizen, etc., etc., shall be entitled to vote ;" and,

WHEREAS, Section five of the same article denies the right of suffrage to any negro or mulatto ; and,

WHEREAS, Article sixteen, and section one, provides the mode and manner whereby the said Constitution of the State of Indiana shall be changed, altered or amended ; and,

WHEREAS, The fifteenth amendment to the Constitution of the United States, comes in conflict with the provisions mentioned in

sections two and five of article two, of the Constitution of the State of Indiana; therefore,

*Be it Resolved by the Legislature of the State of Indiana, (the Senate concurring therein,) That Indiana protests against having her vote counted either for or against the ratification of the said "Fifteenth Amendment" to the Constitution of the United States of America, until it shall have first been either approved or rejected by the electors of the State of Indiana, in conformity with article sixteen, and section one of the Constitution of the State of Indiana.*

Which was read a first time, and,

On motion,

Referred to the committee on Federal relations.

Mr. Cunningham offered the following amendment to House Bill No. 64, by adding to said bill the following section :

"It shall not be lawful for the commissioners to order more than one election on the same petition, and any election ordered on the same petition a second time shall be null and void, a second election can only be ordered on a new petition, embracing double the number of petitioners of the first petition.

Which was,

On motion,

Referred to the committee on railroads.

Mr. Hawley introduced

House Bill No. 119. An act to regulate the dispensing and retailing of drugs, medicines and chemicals.

Which was read a first time and passed to its second reading on to-morrow.

Mr. Walker introduced

House Joint Resolution No. 8. *Resolved, by the House of Representatives, (and Senate concurring,) That our Senators and Representatives in Congress be requested to use their influence and utmost endeavors to secure the passage of a law taxing all the United States bonds as other property is taxed.*

*Resolved, That the Governor be requested to transmit to each of*

our Senators and Representatives in Congress, a copy of this joint resolution.

Which was read a first time, and,

On motion,

Referred to the committee on the judiciary.

Mr. Rhodes introduced

House Bill No. 120. An act to amend section 4, of an act entitled "An act to regulate and license the sale of spirituous, vinous, malt and other liquors, to prohibit the adulteration of liquors, to repeal all laws contravening the provisions of this act and prescribing penalties for violation thereof," approved March 5, 1859, and declaring an emergency.

Which was read a first time and passed to its second reading on to-morrow, when,

On motion of Mr. Britton,

The House adjourned.

## THURSDAY MORNING.

JANUARY 19, 1871, 9 o'clock.

The House met.

The Journal of yesterday was read in part, when,

On motion of Mr. McDowell,

The further reading was dispensed with.

## REPORTS FROM STANDING COMMITTEES.

Mr. McDonald, from the committee on the judiciary, submitted the following report :

MR. SPEAKER :

The committee on the judiciary to whom was referred House Bill No. (52) fifty-two entitled a bill concerning extortions, have had the same under consideration, and beg leave to report the same back, with the recommendation that it lie on the table. The committee being of the opinion that the law is sufficient.

Which report was concurred in.

Mr. Neff, from the judiciary committee, submitted the following report :

MR. SPEAKER :

The judiciary committee to whom was referred House Bill No. 80. Entitled an act to repeal section seven of an act entitled "An act providing for the appointment of Notaries Public," etc., have had the same under consideration, and have instructed me to report it back to the House, with the recommendation that it lie on the table.

Which report was concurred in.

Mr. Henderson, from the judiciary committee, submitted the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred House Bill No. sixty-seven (67) entitled an act to amend section five of an act entitled "An act concerning mortgages," approved May the 4th, 1852, have had the same under consideration, and beg leave to report the same back with the recommendation that the same pass, with the following amendments, to wit: Instead of "twenty days" insert "thirty (30) days," and after the word "failing" add the words "and refusing after a written demand by the mortgagor or mortgagors."

Which report was accepted.

Mr. Friedley, from the judiciary committee, submitted the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred House Bill No. seventy-two (72) entitled an act to amend the 16th section, of chapter 6, of an act entitled "An act concerning promissory notes, bills of exchange, bonds, or other instruments in writing, signed by any person who promises to pay money or acknowledges money to be due, or for the delivery of any specific article, or to convey property, or to perform any stipulation therein mentioned, and repealing all laws coming in conflict therewith," approved March 11th, 1861, with an emergency clause; have had the same under consideration, and beg leave to report the same back with the recommendation that it pass.

Which was concurred in.

Mr. Davidson, from the committee on judiciary, submitted the following report :

MR. SPEAKER :

The committee on judiciary, to whom was referred House Bill No. 37, entitled "An act providing for and describing the manner of

selling real estate, or any interest therein, on execution or order of sale, and providing that such sale may be upon a credit," have had the same under consideration, and beg leave to report the same back, with the recommendation that it lie on the table.

Which report was concurred in.

Mr. St. John, from the judiciary committee, submitted the following report:

MR. SPEAKER:

The committee on judiciary, to whom was referred House Bill No. 89, entitled "An act directing the assignee of any note or notes secured by mortgage, and intending to rely upon the security afforded by such mortgage, to cause such assignment to be placed on record with the record of such mortgage, and providing that if he fail to do so, that he need not be made a party to a foreclosure of any mortgage of the property conveyed in said mortgage, and declaring his equity of redemption forever barred and foreclosed, although not a party to such proceeding," have had the same under consideration, and beg leave to report the same back, with the recommendation that it lie on the table, the committee being of the opinion that the law is sufficient.

Which report was concurred in.

Mr. Neff, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

The committee on judiciary, to whom was referred House Bill No. 76, entitled an act to amend "An act for the redemption of real property, or interest therein, sold on execution or order of sale, and providing for the issuing of certificates of purchase in such cases, and for the execution of conveyances, and repealing all laws in conflict therewith," have had the same under consideration, and beg leave to report the same back, with the recommendation that it lie on the table, the committee being of the opinion that the law is in itself sufficient.

Which report was concurred in.

Mr. Cauthorn, from the judiciary committee, submitted the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House Bill No. 34, entitled "An act empowering married women under twenty-one years of age to convey their real estate," have had the same under consideration, and beg leave to report the same back, with the recommendation that it lie on the table.

Which report was concurred in.

A message from the Governor, by John M. Commons, Esq., his Private Secretary:

EXECUTIVE DEPARTMENT,  
INDIANAPOLIS, January 18, 1871.

MR. SPEAKER:

I have the honor, by direction of the Governor, to transmit herewith a communication and accompanying documents as to the rights of French and Bavarian subjects to hold, transmit and convey real estate situated in the United States, on the same terms and conditions that citizens of the United States may hold, transmit and convey real estate situated in France and Bavaria respectively.

JOHN M. COMMONS,  
Private Secretary.

EXECUTIVE DEPARTMENT,  
INDIANAPOLIS, January 18, 1871.

*Gentlemen of the Senate and House of Representatives:*

I have the honor herewith to transmit for your consideration a communication from the Hon. Carl A. G. Adae, Consul of Bavaria, resident at Cincinnati, Ohio, in relation to so much of the treaty between the United States and the Kingdom of Bavaria, of November 4, 1845, as refers to the rights of citizens of either country to inherit property in the other.

I also submit herewith copies of such parts of the aforesaid treaty

as relates to the same subject. Also, a copy of section 13 of the first amendment to the Constitution of Bavaria, which gives to the citizens of foreign governments the right to own real estate in Bavaria to the same extent that Bavarian subjects may do. I respectfully recommend that our laws on the subject of alienage be so modified as to allow aliens who are non-residents of the United States to take either by descent or devise (but not otherwise) real estate situated in this State, and to hold the same for a limited period, say five years, and requiring such real estate within such period to be transferred or conveyed to a citizen of the United States, or to an alien who is a *bona fide* resident of the United States. I also herewith transmit a communication from Hon. Hamilton Fish, Secretary of State of the United States, in relation to the Consular Convention with France, of February 23, 1853, in relation to the right of French subjects to hold real estate in the several States of the Union.

I also herewith transmit a copy of the 7th article of said Convention, having relation to the same subject.

I respectfully recommend that our laws be modified on the subject of alienage to the extent hereinbefore suggested.

CONRAD BAKER.

*Copy of Communication from Carl A. G. Adea, Consul of Bavaria.*

CINCINNATI, September 28, 1869.

*To His Excellency, the Governor of Indiana :*

SIR: The Royal Bavarian Government has transmitted to me an extract of the treaty between the Kingdom of Bavaria and the United States of America, executed November 4th, 1845, relative to the rights of citizens of the one country to inherit property in the other. Since the conclusion of that treaty several of our States have altered their statutes, giving a more liberal interpretation to the provisions of that treaty—one State, Iowa, going even so far as to remove all disqualifications of foreigners in regard to inheritance of real or personal property. This is in fact no more than reciprocating what the Bavarian Government has done long since, as appears from an extract from the Constitution of the State of Bavaria, which, together with the other two extracts already mentioned, are herewith inclosed.



I take the very great liberty most respectfully to ask your Excellency to peruse these documents, and to inform me whether and in what sense the Constitution of the State of Indiana has been amended since the conclusion of the treaty of 1845. The point more especially to be ascertained would be, whether, according to the present statutes, a citizen of Bavaria could inherit real estate and personal property in Indiana the same as one of our citizens.

Pardon me in thus trespassing on your well known courtesy, and believe me to be, sir, with highest regards,

Your obedient servant,

CARL A. G. ADAE,

Consul of Bavaria.

*Extract from the Treaty between the Kingdom of Bavaria and the United States of America, executed November 4, 1845.*

ART. II. Where, on the death of any person holding real property within the territories of one party, such real property would, by the laws of the land, descend on a subject or citizen of the other, were he not disqualified by alienage, such subject or citizen shall be allowed a term of two years to sell the same, which term may be reasonably prolonged according to circumstances, and to withdraw the proceeds thereof without molestation, and exempt from all duties of detraction.

ART. III. The subjects and citizens of each of the contracting parties shall have power to dispose of their personal property within the States of the other by testament, donation, or otherwise; and their heirs, legatees, and donees, being subjects or citizens of the other contracting party, shall succeed to their said personal property, and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at their pleasure, paying such duties only as the inhabitants of the country where the said property lies shall be liable to pay in like cases.

ART. IV. In case of the absence of the heirs, the same care shall be taken, provisionally, of such real or personal property, as would be taken in a like case of property belonging to the natives of the country until the lawful owner, or the person who has a right to sell the same, according to article second, may take measures to receive or dispose of the inheritance.

*Copy of Extract from the Constitution of the State of Bavaria.*

## AMENDMENT I.

SEC. 13. Citizens of foreign governments can own real estate in the Kingdom of Bavaria, as well as the Royal subjects. In this they are both subject to the same duties and regulations.

*Copy of the Communication from the Secretary of State of the United States.*

DEPARTMENT OF STATE,  
WASHINGTON, May 9th, 1870.

*To His Excellency, the Governor of the State of Indiana :*

SIR: On the 19th of October, 1853, a circular letter was addressed by the Secretary of State to the Governors of the several States, which was accompanied by a copy of the Consular Convention with France of the 23d of February of that year, and which communicated, in compliance with the 7th article thereof, the President's recommendation that, if pursuant to then existing laws, French subjects were not then allowed to hold real estate in any State that right might be conferred upon them. I will thank your Excellency to inform me what was the decision of your State upon the recommendation referred to. In the event that no legislative provision conforming to the recommendation shall have been made, I am directed by the President to repeat the same, and to suggest that the proposal be submitted to the Legislature of the State of Indiana at the earliest opportunity. For your convenience I annex hereunto a copy of the 7th article of the Convention which relates to this subject. I also annex a translation of a note of the 22d instant, from the Minister of France, on the subject to which I invite your favorable attention.

I have the honor to be,

Your Excellency's obedient servant,

HAMILTON FISH.

*Copy of Letter from French Minister and Seventh Article of Convention with France.*

WASHINGTON, April 22, 1870.

*Mr. Secretary of State :*

The Legislature of Alabama has recently passed a law which, in accordance with the Consular Convention signed by France and the United States on the 23d of February, 1853, concedes to French subjects the right of possessing personal property and real estate, and to dispose of the same as American citizens are allowed to do, without being subjected to other taxes than those which are paid by the latter. Moreover, giving to this law a retroactive effect, the State of Alabama gives up, in favor of the heirs, the rights to which it may have acquired, by virtue of former legislation, to the property of French subjects deceased since the date of the Convention of 1853. The parties interested may, consequently, recover by law the property in question, with the exception, however, of such as has already been sold.

The government of the Emperor has learned with the greater satisfaction of the passage of these measures, inasmuch as it thinks it may, in view of this, request the government of the United States to be pleased, so far as this depends upon it, to promote the adoption of similar measures on the part of the various States of the Union, which have not yet fulfilled, so far as they are concerned, the promise of reciprocity contained in article 7 of the Convention, and caused their domestic legislation to conform to this engagement.

In obedience to the instructions addressed to me on this subject by my government, I likewise take the liberty to have recourse to your kind offices, in order to obtain a correct list of the States, besides Alabama, in which the aforesaid measures are henceforth to be applied.

Be pleased to accept, Mr. Secretary of State,

The assurances of my very high consideration,

BERTHEMY.

HON. HAMILTON FISH, ETC.

ARTICLE VII. In all the States of the Union whose existing laws permit it, so long and to the same extent as the said laws shall

remain in force, Frenchmen shall enjoy the right of possessing personal and real property, by the same title and in the same manner as the citizens of the United States. They shall be free to dispose of it as they may please, either gratuitously or for value received, by donation, testament or otherwise, just as those citizens themselves; and in no case shall they be subjected to taxes on transfer, inheritance or any others different from those paid by the latter, or to taxes which shall not be equally imposed. As to the States of the Union by whose existing laws aliens are not permitted to hold real estate, the President engages to recommend to them the passage of such laws as may be necessary for the purpose of conferring this right. In like manner, but with the reservation of the ulterior right of establishing reciprocity in regard to possession and inheritance, the government of France accords to the citizens of the United States the same rights within its territory, in respect to real and personal property and to inheritance, as are enjoyed there by its own citizens.

Also, the following message :

EXECUTIVE DEPARTMENT,  
INDIANAPOLIS, JANUARY 17, 1871.

MR. SPEAKER :

I am directed by the Governor to inform the House that he has approved and signed enrolled act No. 32, entitled "An act appropriating \$100,000 to defray the expenses of the forty-seventh session of the General Assembly of the State of Indiana," and that the same has been deposited in the office of the Secretary of State.

JOHN M. COMMONS,  
Private Secretary.

Also, the following communication :

EXECUTIVE DEPARTMENT,  
INDIANAPOLIS, JANUARY 18, 1871.

MR. SPEAKER :

By direction of the Governor, I have the honor to transmit herewith a communication and accompanying documents in regard to

the acquisition by the United States of real estate in this State for public purposes.

JOHN M. COMMONS,  
*Private Secretary.*

EXECUTIVE DEPARTMENT,  
INDIANAPOLIS, JANUARY 17, 1871.

*Gentlemen of the Senate and House of Representatives:*

I herewith respectfully transmit for your consideration copies of a communication from Hon. Wm. W. Belknap, Secretary of War, in relation to obtaining the consent of the General Assembly to the purchase by, or donation to the United States, of lands within this State, for National Soldiers' Cemeteries.

I also herewith transmit a copy of the Act of Congress referred to in said communication.

I likewise transmit herewith copies of a communication from Rear Admiral W. B. Shubrick, of the United States Navy, Chairman of the Light-House Board, asking for legislation on the part of this State, providing for the acquisition and enjoyment of lands within this State, by the United States, for light-house purposes.

I respectfully recommend that such an act will be adopted by the General Assembly as will enable the United States to acquire and to enjoy lands in this State, for all purposes contemplated by the constitution and laws of the United States, and especially for National Soldiers' Cemeteries and for light-house purposes. As both objects can be embraced by a single act, I have prepared a bill entitled "An act to provide for the acquisition and enjoyment by the United States of lands within this State for public purposes," and will place a copy thereof in the hands of one member of each House, to be submitted for your consideration.

[Signed]

CONRAD BAKER.

*Copy of Letter from Secretary of War.*

WAR DEPARTMENT,  
WASHINGTON, D. C., AUGUST 10, 1870.

*To the Governor of the State of Indiana, Indianapolis:*

SIR: In compliance with section 2 of the act entitled "An act

to amend an act entitled an act to establish and to protect National Cemeteries," approved July 1, 1870, requiring me to do so, I have the honor to inclose a copy of the act referred to, with the request that you make application at as early a date as practicable to the Legislature of your State, for its consent to the purchase by or donation to the United States, of the National Soldiers' Cemeteries at Indianapolis (Crown Hill,) and New Albany, Ind.

I am, Governor, very respectfully,

Your obedient servant,

WM. W. BELKNAP,  
*Secretary of War.*

*Copy of the Act of Congress enclosed with the above.*

AN ACT to amend an act entitled "An act to establish and protect National Cemeteries."

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That from the time any State Legislature shall have given, or shall hereafter give, the consent of such State to the purchase by the United States, to any National Cemetery mentioned in the act entitled "An act to establish and protect National Cemeteries," approved February 22, 1867, the jurisdiction and power of legislation of the United States over such Cemetery, shall, in all courts and places, be held to be the same as is granted by section eight, Article one, of the Constitution of the United States; and all the provisions of said act of February 22, 1867, shall be applicable to the same.

SEC. 2. *And be it further enacted,* That it shall be the duty of the Secretary of War to cause copies of this present act to be sent to the Governors of all such States wherein any of such National Cemeteries may be situated, to the end that the Legislatures of such States may give the consent herein mentioned.

Approved July 1, 1870.

*Copy of Letter from Rear Admiral W. B. Shubrick, referred to in Message.*

TREASURY DEPARTMENT,  
OFFICE OF THE LIGHT-HOUSE BOARD,  
WASHINGTON, OCT. 13, 1870.

*To His Excellency, the Governor of the State of Indiana:*

SIR: The Light House Board of the United States desire to submit, through you and with your favorable recommendation, to the Senate and Assembly of the State of Indiana, the inclosed two drafts of acts, with the hope that they may become laws of the State.

These drafts submitted to you are designed to show to your Excellency the nature of the acts which it is desirable should become laws of the State of Indiana; but any other phraseology may be adopted, provided the objects desired are arrived at. They are similar to laws which have been in force in various States for many years, and are drafted to refer only to sites for light-house purposes of the United States. These acts are:

1st. An act giving the consent of the Legislature of the State to the purchase by the United States of land within the State for light-house purposes.

2d. An act providing for the acquirement by the United States of lands for light-house purposes, in cases of disagreement with the owners thereof, by means of a jury for condemnation or otherwise. The Act of Congress, approved May 15, 1820, requires "that no light-house, beacon, nor landmark, shall be built or erected on any site previous to the cession of jurisdiction over the same being made to the United States;" so that an act of consent to purchase, or of cession of jurisdiction, must, in every case, precede the construction of a light-house or beacon.

By act of Congress, approved the 12th of July, 1870, providing for the annual reversion of balances into the Treasury on the 1st of July, appropriations for the construction of light-houses are available only during the year following the act of appropriation; and if the moneys appropriated are not used in that time, they revert to the Treasury of the United States.

The fiscal year for which moneys are appropriated commences on

the first of July, and ends on the following thirtieth of June, and it very often happens that so much time intervenes between the passage of the act of appropriation and the session of the Legislature of the State where the light-house is to be erected, in cases when special acts of cession are necessary, as to seriously embarrass the Light-House Board in the construction of light-houses in the time limited as above mentioned.

In regard to the second act I would observe, that an act providing for the acquisition of light-house sites, in cases of disagreement as to price between the United States and the owners thereof, is very often necessary on account of the cupidity of the latter, who are willing to take advantage of the necessities of commerce to demand exorbitant prices for their lands. It has happened that the construction of light-houses has been delayed for years on this account, and in the meantime there has resulted loss of life and property.

If in their wisdom the Legislature of the State of Indiana should deem it desirable to enact laws similar to the drafts which I inclose, the duties of this Board in the construction of the aids to navigation with which it is charged will be facilitated, and they will expedite the construction of the works which it is the design of the Board to recommend to Congress for the coast of your State.

This will be handed to you by Brevet Brigadier General O. M. Poe, Corps of Engineers, U. S. A., Engineer of the Eleventh Light-House District.

Very respectfully,

W. B. SHUBRICK,

Rear Admiral U. S. N., and Chairman.

Mr. McDonald, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

The committee on judiciary, to whom was referred House Bill No. 79, entitled "An act to extend the time for the completion of certain railroads, and to legalize the act of their boards of directors," have had the same under consideration, and beg leave to report the same back, with the recommendation that it pass.

Which report was concurred in.



Mr. Henderson, from the judiciary committee, submitted the following report:

MR. SPEAKER:

The committee on judiciary, to whom was referred House Bill No. 75, entitled "An act making illegal and void all contracts for the payment of attorneys' fees by the promissor in such contracts," have had the same under consideration, and beg leave to report the same back, with the recommendation that it lie on the table.

The question being on concurring in the report.

Messrs Walker and St. John demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Cauthorn,	Heilman,	Ruddell,
Copner,	Henderson,	Sansberry,
Davidson,	Hooker,	Stone,
Friedly,	Kirkpatrick,	Taylor,
Galentine,	McDonald,	Warrum—16.
Gordon of Cass,		

*Those who voted in the negative were, Messrs.*

Abbett,	Defrees,	Knight,
Ballenger,	Deputy,	Lines,
Beeler,	Devol,	Logan,
Biggs,	Donham,	Major,
Britton,	Furnas,	Martin of Wayne,
Browning,	Gentry,	Martin of Putnam,
Barnaby,	Goble,	McDowell,
Bruner,	Gordon of Boone,	McFarland,
Butterworth,	Guthrie,	McGowan,
Caldwell,	Hartley,	Minick,
Calkins of Fulton,	Hawley,	Miles,
Calkins of Porter,	Haynes,	Millikan,
Coggsell,	Hill,	Mitchell,
Conner,	Holland,	Monroe,
Cox,	Hynes,	Montgomery,
Cunningham,	Kennedy,	Myers,
Curtis,	King,	Neff,

Netherton,	Shutt,	Tebbs,
Oatley,	Snodgrass,	Walker,
Ray,	Stanley,	Washburn,
Rhodes,	Stephens,	Wilson,
Rice,	Stephenson,	Wymer,
Sabin,	St. John,	Wood,
Sayers,	Strickland,	Woodward,
Schoenemann,	Tarlton,	Zenor,
Simpson,	Taughinbaugh,	Mr. Speaker—78.

So the report was not concurred in, and the bill ordered to take its place on the file.

Mr. Sansberry, from the committee on the organization of courts, submitted the following report:

MR. SPEAKER:

The committee on the organization of courts, to whom was referred House Bill No. 58, beg leave to report that they have had said bill under consideration, and would most respectfully recommend that section 21 be so amended as to read as follows: From the word court at the end of the third line, "and one-half of said fee, when collected, shall be paid by the clerk to the treasurer of the county, and one-half to the Treasurer of State, to be applied in reimbursing the county and State for expense of said court," and when so amended the bill be passed.

Which report was concurred in.

Mr. Calkins of Porter, from the committee on swamp lands, submitted the following report:

MR. SPEAKER:

Your committee on swamp lands, to whom was referred House Bill No. 22, entitled "An act to enable the owners of wet lands to drain and reclaim the same, where the same can not be done without affecting the land of others," approved March 11, 1867, and amending sections 1, 3, 4, 6, 9, 11 and 12, have had the same under consideration, and would respectfully recommend that it be engrossed, and put upon its final passage.

Which was concurred in.

Mr. Haynes, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

The committee on rights and privileges, to whom was referred House Bill No. 62, relating to the protection of game, birds and fish, have had the same under consideration, and report it back with the following amendments:

In section 1, for "not less than five nor more than ten dollars," insert "not less than ten nor more than twenty-five dollars."

In section 2, strike out the word "net."

Strike out all of section 5.

In section 6, strike out the words "duck" and "trap."

In section 7, after "whippoorwill" insert "turkey buzzard."

In section 8, after "carrier," in second line, insert "merchant or dealer," and strike out the proviso.

In section 9, strike out the words "gig" and "spear" in the second line, and insert "seine" after the word "net;" and in the fourth line insert "ponds" after the word lakes, and between the words "provided" and "during," in the fifth line, insert "no person shall take any fish with a gig or spear," and in the ninth line strike out "offense" and insert "fish so taken." And when the bill is so amended, they recommend its passage.

Which report was concurred in.

Mr. Montgomery, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

The committee on rights and privileges, to whom was referred House Bill No. 99, return the same, and recommend its passage.

Which was concurred in.

Mr. Britton, from the committee on rights and privileges submitted the following report:

MR. SPEAKER:

Your committee to whom was referred House Bill No. 107, beg

leave to report, that they have had the same under consideration, and return it with the recommendation that the same be laid on the table.

Which report was concurred in.

Mr. Ruddell, from the committee on rights and privileges submitted the following report :

MR. SPEAKER :

Your committee on rights and privileges, to whom was referred House Bill No. 108, entitled an act to repeal an act entitled "An act to provide for the protection of fish, defining the time in which they may be trapped, netted or seined, affixing the penalty for the violation of the act, and declaring an emergency," approved March 9th, 1867, which repeals the foregoing entitled bill, having had the same under consideration, respectfully report that the same be be laid upon the table.

Which report was concurred in.

Mr. Furnas, from the committee on rights and privileges submitted the following report :

MR. SPEAKER :

Your committee on rights and privileges to whom was referred House Bill No. 30, providing for the protection of fish, with penalties for violations, etc., have directed me to return the same, and respectfully recommend that it lie upon the table.

Which was concurred in.

Mr. Donham, from the committee on agriculture, submitted the following report :

MR. SPEAKER :

The committee to whom was referred House Bill No. 9, have considered the same in reference to the repeal of the law generally denominated the "dog law," and have directed me to report the same back, and recommend the passage of the same.

Mr. Furnas moved to recommit the bill to the committee on agriculture for further consideration.

Which was agreed to.

Mr. Cunningham, from the committee on mileage and accounts submitted the following report :

MR. SPEAKER :

Your committee on mileage and accounts have had the subject under consideration, and instruct me to make the following report, as the mileage due each member of the House of Representatives :

Mr. Abbett.....	96 miles.
Mr. Ballenger.....	104 miles.
Mr. Beeler.....	8 miles.
Mr. Biggs.....	384 miles.
Mr. Britton.....	340 miles.
Mr. Browning.....	128 miles.
Mr. Barnaby.....	216 miles.
Mr. Bruner.....	140 miles.
Mr. Butterworth.....	380 miles.
Mr. Caldwell.....	120 miles.
Mr. Calkins of Fulton.....	210 miles.
Mr. Calkins of Porter.....	320 miles.
Mr. Cauthorn.....	300 miles.
Mr. Coggsell.....	270 miles.
Mr. Conner.....	40 miles.
Mr. Copner.....	144 miles.
Mr. Cox.....	150 miles.
Mr. Cunningham.....	180 miles.
Mr. Curtis.....	74 miles.
Mr. Defrees.....	432 miles.
Mr. Davidson.....	128 miles.
Mr. Deputy.....	170 miles.
Mr. Devol.....	58 miles.
Mr. Donham.....	174 miles.
Mr. Friedley.....	212 miles.
Mr. Furnas.....	48 miles.
Mr. Gallentine.....	356 miles.
Mr. Gentry.....	480 miles.

Mr. Goble.....	146 miles.
Mr. Gordon of Boone.....	56 miles.
Mr. Gordon of Cass.....	170 miles.
Mr. Guthrie.....	92 miles.
Mr. Hardin.....	426 miles.
Mr. Hartley.....	170 miles.
Mr. Hawley.....	103 miles.
Mr. Haynes.....	326 miles.
Mr. Heilman.....	384 miles.
Mr. Henderson.....	380 miles.
Mr. Hendry.....	216 miles.
Mr. Hill.....	80 miles.
Mr. Holland.....	232 miles.
Mr. Hooker.....	384 miles.
Mr. Hynes.....	450 miles.
Mr. Kennedy.....	86 miles.
Mr. King.....	— miles.
Mr. Kirkpatrick.....	114 miles.
Mr. Knight.....	174 miles.
Mr. Lines.....	132 miles.
Mr. Logan.....	316 miles.
Mr. Major.....	55 miles.
Mr. Martin of Wayne.....	144 miles.
Mr. Martin of Putnam.....	104 miles.
Mr. McDonald.....	340 miles.
Mr. McDowell.....	192 miles.
Mr. McFarland.....	202 miles.
Mr. McGowan.....	358 miles.
Mr. Minick.....	152 miles.
Mr. Miles.....	200 miles.
Mr. Millikan.....	132 miles.
Mr. Mitchell.....	160 miles.
Mr. Monroe.....	196 miles.
Mr. Montgomery.....	70 miles.
Mr. Myers.....	432 miles.
Mr. Neff.....	80 miles.
Mr. Netherton.....	260 miles.
Mr. Oatley.....	170 miles.
Mr. Rawles.....	380 miles.
Mr. Ray.....	128 miles.
Mr. Rhodes.....	183 miles.

Mr. Rice.....	226 miles.
Mr. Robertson.....	400 miles.
Mr. Ruddell.....	— miles.
Mr. Sabin.....	400 miles.
Mr. Sansberry.....	72 miles.
Mr. Sayers.....	174 miles.
Mr. Schoenemann.....	320 miles.
Mr. Simpson.....	170 miles.
Mr. Shutt.....	302 miles.
Mr. Snodgrass.....	106 miles.
Mr. Stanley.....	328 miles.
Mr. Stephens.....	270 miles.
Mr. Stephenson.....	44 miles.
Mr. Jt. John.....	188 miles.
Mr. Stone.....	150 miles.
Mr. Strickland.....	128 miles.
Mr. Tarlton.....	40 miles.
Mr. Taughinbaugh.....	150 miles.
Mr. Taylor.....	262 miles.
Mr. Tebbs.....	230 miles.
Mr. Walker.....	110 miles.
Mr. Washburn.....	196 miles.
Mr. Warrum.....	54 miles.
Mr. Williams.....	168 miles.
Mr. White.....	190 miles.
Mr. Wilson.....	— miles.
Mr. Wymer.....	220 miles.
Mr. Wood.....	390 miles.
Mr. Woodward.....	210 miles.
Mr. Zenor.....	270 miles.
Mr. Speaker.....	148 miles.

Which report was concurred in.

The Speaker announced to the House, the appointment of Mr. Hill, to the committee on county and township business.

Mr. Stone asked and obtained the unanimous consent of the House to offer the following concurrent resolution:

*Resolved*, That the hall of the House of Representatives be and the same is hereby tendered to the ladies, who desire to present a

memorial on the subject of female suffrage to the joint session of the Legislature, on Friday afternoon, at 3 o'clock, January 20, 1871, provided the Senate concur.

Which was agreed to.

Mr. McGowan, from the select committee on House Bill No. 3, submitted the following report:

MR. SPEAKER:

The select committee, to whom was referred House Bill No. 3, entitled "An act to fix the time of holding the circuit court in the several counties of the Third Judicial Circuit, and repealing all laws in conflict therewith, and declaring an emergency," have had the same under consideration, and have amended the same as follows, to wit: Strike out all of sections 1 and 2, and in lieu thereof insert the following:

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the circuit court in the several counties of the Third Judicial Circuit shall be held as follows, to wit: In the county of Gibson, on the fourth Monday of January and July; in the county of Martin, on the Monday succeeding the court in the county of Gibson; in the county of Pike, on the Monday succeeding the court in the county of Martin; in the county of Dubois, on Monday succeeding the court in the county of Pike; in the county of Daviess, on Monday succeeding the court in the county of Dubois; in the county of Knox, on the fourth Monday in May and October.

SEC. 2. That said court may remain in session in the counties of Gibson and Daviess, three weeks each; in the counties of Martin, Pike and Dubois, two weeks each; in the county of Knox, six weeks, if the business of the term require it.

And when so amended the committee recommend the passage of the bill, which was concurred in.

Mr. Neff, from the select committee on Senate Bill No. 22, submitted the following report:

MR. SPEAKER:

The committee to whom was referred Senate Bill No. 22, "An



act to fix the time of holding courts in the Sixth Judicial Circuit, requiring persons to take notice thereto, providing for the return of process, and repealing all laws in conflict with said act," and declaring when this act shall take effect, have had the same under consideration, and directed me to report the same back to the House, with the recommendation that it pass.

Which was concurred in.

Mr. Cauthorn moved that House Bill No. 3, "An act to fix the time of holding the circuit court in the several counties of the Third Judicial Circuit, and repealing all laws in conflict therewith," and declaring an emergency, be put upon its passage, the same having been read on three several days.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Friedley,	Lines,
Ballenger,	Furnas,	Logan,
Biggs,	Gallentine,	Major,
Britton,	Gentry,	Martin of Wayne,
Browning,	Goble,	Martin of Putnam,
Barnaby,	Gordon of Boone,	McDonald,
Bruner,	Gordon of Cass,	McDowell,
Butterworth,	Guthrie,	McFarland,
Caldwell,	Hardin,	McGowan,
Calkins of Fulton,	Hartley,	Minick,
Calkins of Porter,	Hawley,	Miles,
Cauthorn,	Haynes,	Millikan,
Coggsell,	Heilman,	Mitchell,
Conner,	Henderson,	Monroe,
Copner,	Hendry,	Montgomery,
Cox,	Hill,	Myers,
Cunningham,	Holland,	Neff,
Curtis,	Hooker,	Netherton,
Davidson,	Hynes,	Oatley,
Defrees,	Kennedy,	Ray,
Deputy,	King,	Rhodes,
Devol,	Kirkpatrick,	Rice,
Donham,	Knight,	Ruddell,

Sabin, .	Stephenson,	Walker,
Sansberry,	St. John,	Washburn,
Sayres,	Stone,	Wilson,
Schoenemann,	Strickland,	Wymer,
Simpson,	Tarlton,	Wood,
Shutt,	Taughinbaugh,	Woodward,
Snodgrass,	Taylor,	Zenor,
Stanley,	Tebbs,	Mr. Speaker—94.
Stephens,		

There being no one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Clerk inform the Senate of the passage of the bill.

By unanimous consent of the House, House Bill No. 58 was taken up, read a third time, and put upon its passage.

Pending which,

On motion of Mr. Ballenger,

The House adjourned.

THURSDAY, JANUARY 19, 1871, 2 O'CLOCK P. M.

The House met.

The matter pending at last adjournment, being the consideration of House Bill No. 58, the same was taken up.

Mr. Sansberry, by unanimous consent, offered the following as a substitute for the amendment offered by the committee on the organization of courts:

SEC. 29. The judges of said Superior Court shall each be entitled

to receive annually the sum of one thousand dollars, payable in equal installments, out of the State Treasury, on the first Mondays of January, April, July and October, and a further sum of two thousand dollars each, payable quarterly, out of the treasury of the county wherein said court is situated.

Which was accepted and agreed to.

The question being, shall the bill as amended pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Hawley,	Rhodes,
Ballenger,	Haynes,	Rice,
Beeler,	Heilman,	Ruddell,
Biggs,	Henderson,	Sabin,
Britton,	Hendry,	Sansberry,
Barnaby,	Hill,	Sayers,
Bruner,	Hooker,	Schoenemann,
Butterworth,	Hynes,	Shutt,
Caldwell,	Kennedy,	Snodgrass,
Calkins of Fulton,	King,	Stanley,
Calkins of Porter,	Kirkpatrick,	Stephenson,
Cauthorn,	Knight,	St. John,
Coggsell,	Lines,	Stone,
Conner,	Major,	Strickland,
Copner,	Martin of Wayne,	Tarlton,
Cox,	Martin of Putnam,	Taughinbaugh,
Cunningham,	McDonald,	Taylor,
Curtis,	McFarland,	Tebbs,
Davidson,	McGowan,	Walker,
Defrees,	Minick,	Washburn,
Deputy,	Mitchell,	Warrum,
Donham,	Monroe,	Williams,
Friedley,	Montgomery,	Wilson,
Gallentine,	Myers,	Wymer,
Gordon of Boone,	Netherton,	Wood,
Gordon of Cass,	Oatley,	Woodward,
Guthrie,	Ray,	Mr. Speaker—82.
Hardin,		

*Those who voted in the negative were, Messrs.*

Browning,	Hartley,	McDowell,
Gentry,	Holland,	Zenor—8.
Goble,	Logan,	

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered*, That the Clerk inform the Senate of the passage of the bill.

Mr. Wilson moved to reconsider the vote by which the bill passed, and to lay the motion on the table.

Which was agreed to.

Mr. Taylor introduced

House Bill No. 121. Entitled "An act to exempt two months' wages or salaries from garnishee process and foreign attachment."

Which was read a first time, and,

On motion,

Referred to the committee on rights and privileges.

Mr. Taylor introduced

House Joint Resolution No. 9. A joint resolution instructing the Senators and requesting the Representatives of the State of Indiana in the Congress of the United States to use their influence to secure the abolition of the Franking Privilege.

*Be it resolved by the General Assembly of the State of Indiana*, That the Senators in Congress be instructed and our Representatives requested to use all their influence to secure the passage of a law for the abolition of the Franking Privilege.

Under the constitutional rule the ayes and noes were taken.

The question being, shall the joint resolution pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Gordon of Cass,	Montgomery,
Ballenger,	Guthrie,	Netherton,
Beeler,	Hardin,	Oatley,
Biggs,	Hartley,	Rhodes,
Britton,	Haynes,	Rice,
Browning,	Heilman,	Sayers,
Barnaby,	Holland,	Schoenemann,
Bruner,	Hynes,	Shutt,
Caldwell,	Kennedy,	Stanley,
Calkins of Fulton,	King,	Stephenson,
Cauthorn,	Knight,	St. John,
Coggswell,	Lines,	Stone,
Conner,	Logan,	Strickland,
Copner,	Major,	Tarlton,
Cox,	Martin of Wayne,	Taughinbaugh,
Cunningham,	Martin of Putnam,	Taylor,
Curtis,	McFarland,	Tebbs,
Davidson,	McGowan,	Walker,
Deputy,	Minnick,	Washburn,
Donham,	Miles,	Wilson,
Friedley,	Millikan,	Wymer,
Furnas,	Mitchell,	Woodward,
Gentry,	Monroe,	Zenor—70.
Gordon of Boone,		

*Those who voted in the negative were, Messrs.*

Butterworth,	Hendry,	Ruddell,
Calkins of Porter,	Hill,	Sabin,
Defrees,	Hooker,	Sansberry,
Devol,	Kirkpatrick,	Snodgrass,
Gallentine,	McDonald,	Warrum,
Hawley,	Myers,	Wood,
Henderson,	Neff,	Mr. Speaker—21.

So the joint resolution passed.

The question being, shall the title as read, stand as the title of the joint resolution?

It was so ordered.

*Ordered*, That the Clerk inform the Senate of the passage of the joint resolution.

Mr. Abbett presented the petition of the Superintendent of Public Instruction, in reference to the distribution of the Superintendent's report.

Which was,

On motion,

Referred to the committee on claims.

Mr. Abbett introduced

House Bill No. 122. An act to appropriate \$250 for the distribution of the report of the Superintendent of Public Instruction.

Which was read a first time, and,

On motion,

Referred to the committee on claims.

Mr. Abbett introduced

House Bill No. 123. Entitled an act to suppress tippling houses, to regulate the sale and barter, and giving away of spirituous and malt liquors, wine and other intoxicating liquors, to provide penalties for the violation of this act, and to repeal all laws inconsistent therewith.

Read a first time, and,

On motion,

Referred to the committee on temperance.

Mr. Hawley introduced

House Bill No. 124. An act to repeal an act entitled "An act authorizing the assessment of lands for plank, macadamized and gravel road purposes, prescribing the manner of assessing and collecting the same, and repealing the law on that subject," approved May 14th, 1864, and declaring an emergency.

Which was read a first time, and,

On motion,

Referred to the committee on highways.

Mr. McFarland offered the following resolution :

*Resolved*, That the Speaker of the House be requested to appoint a committee of three to visit the Soldiers and Orphans Home at Knightstown, to ascertain whether the inmates of said institution receive the proper care and attention from those having care of said inmates, and report to this House.

Mr. Stone offered the following amendment :

Amend the resolution of Mr. McFarland, so as to extend the duties of said committee, to allow them to take under consideration all matters pertaining to the Soldiers and Sailors Home, at or near Knightstown, and report their action, in the premises to this body.

Which was agreed to.

The question recurring on the adoption of the resolution as amended.

It was agreed to.

Mr. McFarland introduced

House Bill No. 125. An act to regulate the licensing of the retailing of vinous, spirituous and intoxicating liquors in the State of Indiana.

Which was read a first time, and,

On motion,

Referred to the committee on temperance.

Mr. Barnaby introduced

House Bill No 126. Entitled an act to amend paragraph thirteen, of section fifty-three, of an act entitled " An act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14th, 1867.

Which was read a first time.

Mr. Barnaby introduced

House Bill No. 127. An act to repeal an act entitled " An act

authorizing the assessment of lands for plank, macadamized and gravel road purposes," etc., approved May 14th, 1869.

Which was read a first time, and

On motion,

Referred to the committee on highways.

Mr. Strickland introduced

House Bill No. 128. An act to amend an act entitled "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6th, 1865.

Which was read a first time, and,

On motion,

Referred to the committee on education.

Mr. Britton introduced

House Bill No. 129. Entitled an act to amend an act to amend sections one and three of an act entitled "An act to provide for the relocation of county seats, and for the erection of public buildings in counties in case of such relocation," approved March 2d, 1855, and to amend section one of an act approved 18th, 1865, and to provide for the appointment of commissioners, approved February 24th, 1869.

Which was read a first time, and,

On motion,

Referred to the committee on the judiciary.

Mr. Calkins of Porter presented the petition of certain citizens of Jefferson county, asking that the thirteenth section of the act defining the duties and jurisdiction of Justices of the Peace, be amended so that actions on contracts may be commenced in the township where the contract was made.

Which was,

On motion,

Referred to the judiciary committee.



Mr. Cunningham introduced

House Bill No. 130. Entitled an act to appropriate one thousand three hundred and sixty dollars to the general school fund of the State of Indiana.

Which was read a first time, and,

On motion,

Referred to the committee on education.

Mr. Rice introduced

House Bill No. 131. An act supplemental to an act entitled "An act in relation to county Treasurers," approved March 4th 1852.

Which was read a first time, and,

On motion,

Referred to the committee on county and township business.

Mr. St. John introduced

House Bill No. 132. Entitled an act to repeal the proviso in section two of an act entitled "An act to amend section No. 2, of an act entitled 'An act making the registry of sales of Michigan road lands, and certified copies of entries therein, evidence and declaring the effect thereof, and making the records and patents, and certificates of purchase, and other evidence in writing, of the sale of real estate, and certified copies of such records, evidence, and declaring the effect thereof,'" approved March 9, 1859; approved May 4, 1869.

Which was read a first time, and,

On motion,

Referred to the committee on the judiciary.

A message from the Senate by the Secretary thereof.

MR. SPEAKER:

I am instructed to inform the House that the Senate has passed the following joint resolution thereof, to wit:

A joint resolution instructing our Senators and requesting our Representatives in Congress to use all proper means to secure the

passage of a law granting to each soldier or seaman, who has served in the army or navy of the United States, ninety days or upwards, the right to select and hold one hundred and sixty acres of the public lands, subject to sale, including alternate reserved sections along the lines of railroads without requiring occupancy of the same.

In which action of the Senate the House is requested to concur.

Mr. Neff moved that the House proceed to take up the business on the Speaker's table.

Which was agreed to.

The Speaker announced the special committee to visit Soldiers' Home at Knightstown, and report:

Messrs. McFarland, Oatley and Stone.

The Speaker laid before the House the reports of the trustees of the State University, and of the Bank of the State of Indiana, with accompanying documents.

Engrossed Senate Bill No. 22. Entitled "An act to fix the time of holding courts in the Sixth Judicial Circuit, requiring persons to take notice thereof, providing for the return of process, repealing all laws in conflict herewith, and declaring when this act shall take effect.

Which was read a second time, and passed to its third reading.

Senate concurrent resolution on the subject of the Wabash and Erie Canal Bonds.

*Be it resolved by the Senate* (the House of Representatives concurring), That it is inexpedient to take any legislative action on the subject of the resumption by the State of the Wabash and Erie Canal, excepting for the purpose of submitting the matter in some appropriate form to the people of the State, and to protect the Canal from sale, and its revenues from sequestration.

*Resolved by the Senate* (the House of Representatives concurring), That this General Assembly of the State of Indiana will make provision for the payment of the principal and interest of the old bonds of the State, issued prior to the year 1841, and not surrendered un-

der legislation of 1846 and 1847, known as the "Butler Bills." In which the concurrence of the House is requested.

Which was read and referred to the committee on canals.

Engrossed Senate Joint Resolution No. 1. Proposing an amendment to the constitution.

Which was read a first time, and made the special order for Tuesday, January 25th, at 2½ o'clock P. M.

Engrossed Senate Bill No. 25. Entitled "An act regulating the terms of the circuit courts in the Fifteenth Judicial Circuit, and making all process whatever returnable thereto, repealing all laws in conflict therewith," and declaring an emergency.

Which was read a second time, and passed to a third reading.

Senate Bill No. 39. An act amendatory of an act accepting the provisions of an act of the Congress of the United States of America, entitled "An act donating lands to the several States and territories, which may provide colleges for the benefit of agriculture and mechanic arts, providing for the receipt, investment and management of said donation," passed March 5, 1865, and providing for an increase of the number of trustees in the Purdue University, and the election of four members of the State Board of Agriculture as trustees of Purdue University.

Which was read a second time, and,

On motion,

Referred to the committee on agriculture.

Engrossed Senate Bill No. 1. A bill to legalize bonds of cities, issued to aid in the construction of water works, and sale and hypothecation of such bonds; to legalize all orders, resolutions and ordinances of cities for the construction of water works, and all acts done and contracts made under and in pursuance thereof, and to authorize the issuing and sale of bonds, and negotiating of temporary loans to raise money, and to carry out and comply with contracts heretofore made for the establishment and construction of water works, and to fully complete saids works.

Which was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Gordon of Cass,	Miles,
Ballenger,	Guthrie,	Millikan,
Beeler,	Hardin,	Mitchell,
Biggs,	Hartley,	Monroe,
Britton,	Hawley,	Montgomery,
Browning,	Haynes,	Myers,
Barnaby,	Heilman,	Netherton,
Bruner,	Henderson,	Oatley,
Butterworth,	Hendry,	Rice,
Calkins of Porter,	Hill,	Sabin,
Cauthorn,	Holland,	Sayers,
Coggsell,	Hooker,	Schoenemann,
Conner,	Hynes,	Shutt,
Copner,	Kennedy,	Snodgrass,
Cox,	King,	St. John,
Cunningham,	Kirkpatrick,	Stone,
Curtis,	Knight,	Tarlton,
Davidson,	Lines,	Taughinbaugh,
Defrees,	Logan,	Taylor,
Deputy,	Major,	Walker,
Devol,	Martin of Wayne,	Washburn,
Donham,	Martin of Putnam,	Wilson,
Friedley,	McDonald,	Wymer,
Gallentine,	McDowell,	Wood,
Gentry,	McFarland,	Woodward,
Goble,	McGowan,	Zenor.—80
Gordon of Boone,	Minick,	

Mr. Neff voted in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill.

It was so ordered.

*Ordered,* That the Clerk inform the Senate of the passage of the bill.

The Speaker laid before the House the report of the Agent of State.

Engrossed House Bill No. 84. Entitled an act to prevent prize fighting, and prescribing punishments therefor.

Which was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Hartley,	Netherton,
Ballenger,	Hawley,	Oatley,
Beeler,	Haynes,	Ray,
Biggs,	Heilman,	Rhodes,
Britton,	Henderson,	Rice,
Browning,	Hendry,	Ruddell,
Barnaby,	Hill,	Sabin,
Bruner,	Holland,	Sansberry,
Butterworth,	Hooker,	Schoenemann,
Caldwell,	Hynes,	Shutt,
Calkins of Porter,	Kennedy,	Snodgrass,
Cauthorn,	King,	Stanley,
Coggsell,	Kirkpatrick,	Stephens,
Conner,	Knight,	Stephenson,
Copner,	Lines,	St. John,
Cox,	Logan,	Stone,
Cunningham,	Major,	Strickland,
Curtis,	Martin of Putnam,	Tarlton,
Davidson,	Martin of Wayne,	Taughinbaugh,
Defrees,	McDonald,	Taylor,
Deputy,	McDowell,	Tebbs,
Devol,	McFarland,	Walker,
Donham,	McGowan,	Washburn,
Friedley,	Minick,	Warrum,
Gallentine,	Miles,	Williams,
Gentry,	Millikan,	Wilson,
Goble,	Mitchell,	Wymer,
Gordon of Boone,	Monroe,	Wood,
Gordon of Cass,	Montgomery,	Woodward,
Guthrie,	Myers,	Zenor,
Hardin,	Neff,	Mr. Speaker—93.

There being no one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill.

It was so ordered.

*Ordered*, That the Clerk inform the Senate of the passage of the bill.

A message from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House, that the Senate has passed the following resolution:

*Resolved by the Senate of the State of Indiana*, (the House of Representatives concurring), That the two Houses of the General Assembly shall proceed by concurrent vote, on Friday, January 20, 1871, at eleven o'clock A. M., to choose Trustees for the Asylum for the Blind, a Trustee for the Institution for the education of the Deaf and Dumb, and a Commissioner for the Hospital for the Insane, under compliance with the provisions of an act approved March 5, 1859.

In which the concurrence of the House is requested.

Mr. Neff moved that the House concur in the resolution just received from the Senate.

Which was agreed to; when,

On motion of Mr. Guthrie,  
The House adjourned.

## FRIDAY MORNING.

JANUARY 20, 1871, 9 O'CLOCK.

The House met.

On motion of Mr. Neff,  
Mr. Cauthorn took the chair.

The Journal of yesterday was read in part, when,  
On motion of Mr. Ballenger,  
The further reading was dispensed with.

Mr. Warrum introduced

House Bill No. 133. Entitled an act to regulate the sale and use of intoxicating liquors, to abolish the use thereof, to give a remedy to certain persons injured by the illegal sale and use of intoxicating liquors, to punish drunkenness, and to repeal all laws conflicting herewith.

Which was read a first time; and,  
On motion,  
Referred to the committee on temperance.

Mr. Copner, from the committee on engrossed bills, submitted the following report:

MR. SPEAKER:

I am directed by the committee on engrossed bills to report that they have examined engrossed House Bills Nos. 3, 67, and 84, and find them correctly engrossed.

Mr. Millikan introduced

House Bill No. 134. Entitled an act to prohibit certain animals running at large, except by permission of the county commissioners,

township trustee, etc., and prescribing penalties for the violation thereof.

Which was read a first time, and,

On motion,

Referred to the committee on rights and privileges.

A message from the Senate, by the Secretary thereof:

MR. SPEAKER:

I am instructed to inform the House that the Senate has concurred in the resolution of the House which provides for the printing and distribution of the Governor's message, and have amended the resolution so as to print, in addition to the number provided by the House resolution, two thousand copies of the message in German, and the same is herewith returned.

Mr. Martin of Putnam introduced House Joint Resolution No. 10.

*Resolved by the General Assembly of the State of Indiana, That His Excellency, the Governor of the State be and is hereby empowered, directed, and instructed to collect, by suit in any Court of competent jurisdiction or otherwise, of and from the Terre Haute and Indianapolis Railroad Company, by its present or any previous corporate name, all claims, dues and demands rightfully owing and due to the State, or to any of its trust funds, from said company, its stockholders, or predecessors in corporate powers and privileges, and the Governor is hereby authorized to employ counsel and do whatsoever else is necessary to effectively prosecute the collection of said claims: Provided, That the Governor or counsel by him employed shall not have power to compromise any such suit or proceedings without the approval of the General Assembly.*

Which was read a first time and,

On motion of Mr. Gordon of Boone,

Was made the special order for next Wednesday at 2½ P. M.

Mr. Woodward presented the petition of sundry citizens of Parke county on the subject of prison reform.

Which was,

On motion,

Referred to the committee on benevolent institutions.



Also, a petition from the citizens of the same county asking a repeal or modification of the divorce laws.

Which was,

On motion,

Referred to the committee on judiciary.

Mr. Williams offered the following resolution :

*Resolved*, That the members of the Senate be and are hereby invited to meet with the members of this House, at 3 o'clock this afternoon, to hear the address and memorial of the ladies upon the question of female suffrage.

Which was agreed to.

Mr. Bruner introduced

House Bill No. 135. An act to amend section 5 of an act entitled "an act to amend the 18th, 24th, 25th, 26th sections of an act entitled 'an act regulating descents and the apportionment of estates,' approved May 14th, 1852, and adding a supplemental section to said act," approved March 4th, 1853.

Which was read a first time and,

On motion,

Referred to the judiciary committee.

Mr. Montgomery offered the following resolution :

*Resolved*, That from and after the passage of this resolution, the following papers heretofore ordered by the House of Representatives shall be discontinued, to-wit: Daily Commercial, Evening News, and Indiana American.

Mr. Biggs offered the following amendment:

Amend by striking out "the Weekly Sentinel and Journal," and insert "two copies each of the Daily Sentinel and Daily Journal, wrapped and stamped, and placed upon the desk of each member and elective officers."

Mr. Calkins of Porter offered the following amendment as a substitute:

Amend by discontinuing all papers except the Daily Sentinel and

Daily Journal, and that, in lieu of the papers discontinued, there shall be furnished to each member and elective officer of the House two additional copies each of the Daily Sentinel and Daily Journal, the same to be wrapped and stamped.

Which was agreed to.

The question recurring on the adoption of the resolution as amended.

It was agreed to.

Mr. Biggs introduced

House Bill No. 136. An act to amend section one of an act entitled "an act to exempt property from sale in certain cases," approved February 17, 1852.

Which was read a first time and passed to its second reading.

Mr. Wood introduced

House Bill No. 137. Entitled an act to fix the time of holding the Court of Common Pleas in the Sixteenth Judicial District, and repealing all laws in conflict therewith.

Which was read a first time and,

On motion,

Referred to a special committee of the members from said District.

Mr. King introduced

House Bill No. 138. Entitled an act to amend sections two and three of an act entitled "an act to incorporate the Indianapolis Gas Light and Coke Company," approved February 12, 1851.

Which was read a first time and,

On motion,

Referred to the committee on corporations.

Mr. Ruddell introduced

House Bill No. 139. An act for the encouragement of manufacturing, mining, elevating, warehousing, storing, and milling in

incorporated cities and towns, and exempting the capital employed in operating the same from taxation.

Which was read a first time and,

On motion,

Referred to the committee on manufactories.

Mr. Beeler introduced

House Bill No. 140. An act for furthering the interests of agriculture and horticulture, for the preservation of insectivorous and song birds and their nests, prescribing penalties and appropriating the fines to the Common School Fund.

Which was read a first time and,

On motion,

Referred to the committee on rights and privileges.

Mr. Beeler introduced

House Bill No. 141. Entitled an act to provide a homestead exemption of one thousand dollars to householders and heads of families.

Which was read a first time.

Mr. Stephenson offered the following resolution :

*Resolved*, That the Governor be requested to furnish to this House, on or before Wednesday next, any information he may have in reference to the suits now pending in the Putnam Circuit Court against the Terre Haute Railroad in behalf of the State, and also what power, if any, is necessary to be given him to further prosecute such suit.

Which was agreed to.

Mr. Wilson presented the claim of the Indianapolis Gas and Coke Company *vs.* State of Indiana—\$26.40.

Which was,

On motion,

Referred to the committee on claims.

Mr. Beeler presented the memorial of Mrs. Eliza Blake asking

the payment of a certain claim against the State for services rendered by her husband, James Blake.

Which was,

On motion,

Referred to the committee on claims.

Mr. Beeler presented the memorial of Israel Taylor asking for the passage of a bill to compensate him for services in building the House of Refuge at Plainfield, Indiana.

Which was,

On motion,

Referred to the committee on the house of refuge.

Mr. Beeler offered the following resolution :

*Resolved*, That the committee on education be instructed to inquire as to the propriety of directing the Superintendent of Public Instruction to purchase copies of Early Reminiscences of Indianapolis, by J. H. B. Nowland; also, Early Indiana Trials, Sketches, and Reminiscences, by Hon. O. H. Smith, for the township libraries of the State.

Which was read and,

On motion,

Referred to the committee on libraries.

Mr. Copner introduced

House Bill No. 142. An act to amend section five of an act entitled "an act to amend the 18th, 24th, 25th, and 26th sections of an act entitled 'an act regulating descents and the apportionment of estates,' approved May 14th, 1852, and adding a supplemental section to said act," approved March 4th, 1853.

Which was read a first time and,

On motion,

Referred to the committee on rights and privileges.

Mr. Major introduced

House Bill No. 143. An act to provide for temporary poor persons of each of the several townships of this State and prescribing

the duties of Township Trustees in relation thereto, and repealing all laws inconsistent therewith.

Which was read a first time and,

On motion,

Referred to the committee on county and township business.

Mr. Cox offered the following concurrent resolution :

*Resolved by the House of Representatives, (the Senate concurring,)* That the General Assembly of the State of Indiana should make no provision for the payment of the principal or interest due or to become due on the old Internal Improvement Bonds, except as provided in the acts of 1846 and 1847, known as the "Butler Bills."

Which was read and,

On motion,

Referred to the committee on canals.

Mr. Stanley offered the following preamble and resolution :

WHEREAS, The State Geologist is being paid out of the common treasury of the State and has not as yet visited that section of the State known as Northern Indiana; therefore,

*Be it resolved by the House of Representatives of the State of Indiana,* That the State Geologist be and he is hereby requested to visit Northern and Eastern Indiana, and should he not have sufficient assistance to enable him to comply with this resolution, that he be requested to employ an assistant or assistants to enable him so to do.

Mr. Ruddell offered the following amendment :

Amend by referring to the committee on rights and privileges, with instruction to report by bill providing such additional force and compensation as to them may seem proper.

Which was agreed to and the resolution was so referred.

Mr. Calkins of Porter introduced

House Bill No. 144. Entitled an act to provide for the time of

holding Circuit Courts in the Ninth Judicial Circuit, and to repeal all laws in conflict therewith.

Which was read a first time and,

On motion,

Referred to a special committee consisting of Calkins of Porter, Henderson, Butterworth, Calkins of Fulton, Washburn, Netherton, Schoenemann, Gallentine, and Wood.

The Speaker announced the following select committee on House Bill No. 137, fixing the time of holding Courts in the Sixteenth Judicial District Common Pleas:

Messrs. Calkins, Wood, Washburn, and Netherton.

Mr. Calkins of Porter introduced the following resolution :

*Resolved*, That the committee on education be instructed to inquire into the propriety and necessity of grading the license given to each applicant to teach in the public schools without regard to sex, and that they also inquire into the expediency of grading the salaries according to the grade of certificate which such teacher may have received, and that they report by bill or otherwise.

Which was,

On motion,

Referred to the committee on education.

Mr. Neff introduced

House Bill No. 145. Entitled an act to amend the eighth section of an act entitled "An act to enable trustees to receive lands and donations, and convey the same, for the use of schools, churches, religious societies, Masonic and Odd Fellows Lodges, Sons and Daughters of Temperance, and for the construction of cemeteries, houses of worship, and other buildings therein mentioned," approved June 17, 1852.

Which was read a first time, and,

On motion,

Referred to the committee on corporations.

Mr. Stone offered the following concurrent resolution :

*Resolved by the House of Representatives*, (the Senate concurring),

that a joint committee of the Senate and House of Representatives be appointed, consisting of four Senators and seven members of the House of Representatives, and that so much of the message of the Governor as relates to the subject of the equalization of the appraisement of real estate, and the legalization of the existence and proceedings of the District and State Board of Equalization, be referred to said committee, and that the subject of the assessment and taxation of railroads and the equalization of railroad assessments, be also referred to the same committee.

*And be it further resolved by the House of Representatives, (the Senate concurring),* That said committee be so constituted that each Congressional District of the State shall be represented thereon.

Which was agreed to.

*Ordered,* That the Clerk inform the Senate thereof.

Mr. Stone introduced

House Bill No. 146. An act to provide for the acquisition and enjoyment by the United States of lands within this State for public purposes.

Which was read a first time, and,

On motion,

Referred to the judiciary committee.

The hour of eleven A. M. having arrived, the same being the hour fixed by concurrent resolution of both Houses for the election of Trustees of the Benevolent Institutions, the House proceeded to the same.

Mr. Guthrie moved a call of the House.

Which was agreed to.

*Those who answered to their names were, Messrs.*

Abbett,	Browning,	Calkins of Fulton,
Ballenger,	Barnaby,	Calkins of Porter,
Beeler,	Bruner,	Cauthorn,
Biggs,	Butterworth,	Coggsell,
Britton,	Caldwell,	Conner,

Copner,	Hynes,	Sabin,
Cox,	Kennedy,	Sansberry,
Cunningham,	King,	Sayers,
Curtis,	Kirkpatrick,	Schoenemann,
Davidson,	Knight,	Simpson,
Defrees,	Lines,	Shutt,
Deputy,	Logan,	Snodgrass,
Devol,	Major,	Stanley,
Donham,	Martin of Wayne,	Stephens,
Friedly,	Martin of Putnam,	Stephenson,
Furnas,	McDonald,	St. John,
Galentine,	McDowell,	Stone,
Gentry,	McFarland,	Strickland,
Goble,	McGowan,	Tarlton,
Gordon of Boone,	Minick,	Taughinbaugh,
Gordon of Cass,	Miles,	Taylor,
Guthrie,	Millikan,	Tebbs,
Hardin,	Mitchell,	Walker,
Hartley,	Monroe,	Washburn,
Hawley,	Montgomery,	Warrum,
Haynes,	Myers,	Williams,
Heilman,	Neff,	Wilson,
Henderson,	Netherton,	Wymmer,
Hendry,	Oatley,	Wood,
Hill,	Rhodes,	Woodward,
Holland,	Rice,	Zenor,
Hooker,	Ruddell,	Mr. Speaker—96.

Mr. Ballenger moved that the further proceedings under the call be dispensed with.

Which was agreed to.

Mr. Neff moved that the absentees be called.

Which was agreed to.

Nominations for a Commissioner for the Hospital for the Insane being in order,

Mr. Caldwell put in nomination Mr. John M. Caldwell for that office.



Mr. Ruddell put in nomination Mr. Louis Humphries for that office.

There being no further nominations, the Clerk proceeded to call the roll.

*Those who voted for Mr. Caldwell were, Messrs.*

Abbett,	Gordon of Cass,	Mitchell,
Britton,	Guthrie,	Montgomery,
Browning,	Hardin,	Neff,
Barnaby,	Hartley,	Oatley,
Bruner,	Hawley,	Rice,
Caldwell,	Haynes,	Sansberry,
Cauthorn,	Hendry,	Simpson,
Coggsell,	Holland,	Shutt,
Copner,	Hynes,	Stanley,
Cox,	Logan,	Stephens,
Cunningham,	Major,	Tarleton,
Curtis,	McDonald,	Taughinbaugh,
Davidson,	McDowell,	Tebbs,
Devol,	McFarland,	Walker,
Donham,	McGowan,	Warrum,
Gallentine,	Minick,	Zenor,
Gentry,	Miles,	Mr. Speaker—52.
Goble,		

*Those who voted for Mr. Humphreys were, Messrs.*

Ballenger,	Henderson,	Netherton,
Beeler,	Hill,	Rhodes,
Biggs,	Hooker,	Ruddell,
Butterworth,	Kennedy,	Sabin,
Calkins of Porter,	King,	Sayres,
Calkins of Fulton,	Kirkpatrick,	Schoenemann,
Conner,	Knight,	Snodgrass,
Defrees,	Lines,	Stephenson,
Deputy,	Martin of Wayne,	St. John,
Friedley,	Martin of Putnam,	Stone,
Furnas,	Millikan,	Strickland,
Gordon of Boone,	Monroe,	Taylor,
Heilman,	Myers,	Washburn,

Williams,  
Wilson,

Wymer,  
Wood,

Woodward—44.

So the Speaker declared that John M. Caldwell, having received a majority of all the votes given by the House for that office, was duly elected on the part of the House.

*Ordered*, That the Clerk inform the Senate thereof.

Nominations for Trustee of the Blind Asylum being in order,

Mr. Tarlton put in nomination Mr. Cass. Byfield for that office.

Mr. Ruddell put in nomination Mr. John S. Spann for that office

There being no further nominations the Clerk proceeded to call the roll.

*Those who voted for Mr. Byfield were, Messrs.*

Abbett,	Gordon of Cass,	Mitchell,
Britton,	Guthrie,	Montgomery,
Browning,	Hardin,	Neff,
Barnaby,	Hartley,	Oatley,
Caldwell,	Hawley,	Rice,
Cauthorn,	Haynes,	Sansberry,
Coggsell,	Henderson,	Simpson,
Copner,	Hendry,	Shutt,
Cox,	Holland,	Stanley,
Cunningham,	Hynes,	Stephens,
Curtis,	Logan,	Tarlton,
Davidson,	McDonald,	Taughinbaugh,
Devol,	McDowell,	Tebbs,
Donham,	McFarland,	Walker,
Gallentine,	McGowan,	Warrum,
Gentry,	Minick,	Zenor,
Goble,	Miles,	Mr. Speaker—51.

*Those who voted for Mr. Spann were, Messrs.*

Ballenger,	Bruner,	Calkins of Porter,
Beeler,	Butterworth,	Conner,
Biggs,	Calkins of Fulton,	Defrees,

Deputy,	Major,	Snodgrass,
Friedley,	Martin of Wayne,	Stephenson,
Furnas,	Martin of Putnam,	St. John,
Gordon of Boone,	Millikan,	Stone,
Heilman,	Monroe,	Strickland,
Hill,	Myers,	Taylor,
Hooker,	Netherton,	Washburn,
Kennedy,	Rhodes,	Williams,
King,	Ruddell,	Wilson,
Kirkpatrick,	Sabin,	Wymer,
Knight,	Sayers,	Wood,
Lines,	Schoeneman,	Woodward—45.

So the Speaker declared that Mr. Cassabianca Byfield having received a majority of all the votes cast by the House for that office, was duly elected on the part of the House.

*Ordered,* That the Clerk inform the Senate thereof.

Nominations being in order for Trustee of the Deaf and Dumb Asylum,

Mr. Neff put in nomination Mr. William R. Hogshire for that office.

Mr. Ruddell put in nomination Mr. James Burt for that office.

There being no further nominations, the Clerk proceeded to call the roll.

*Those who voted for Mr. Hogshire were, Messrs.*

Abbott,	Davidson,	Haynes,
Britton,	Devol,	Henderson,
Browning,	Donham,	Hendry,
Barnaby,	Gallentine,	Holland,
Caldwell,	Gentry,	Hynes,
Cauthorn,	Goble,	Logan,
Coggsell,	Gordon of Cass,	McDonald,
Copner,	Guthrie,	McDowell,
Cox,	Hardin,	McFarland,
Cunningham,	Hartley,	McGowan,
Curtis,	Hawley,	Minick,

Miles,	Sansberry,	Taughingbaugh,
Mitchell,	Simpson,	Tebbs,
Montgomery,	Shutt,	Walker,
Neff,	Stanley,	Warrum,
Oatley,	Stephens,	Zenor,
Rice,	Tarlton,	Mr. Speaker—51.

*Those who voted for Mr. Burt were, Messrs.*

Ballenger,	Hooker,	Sabin,
Beeler,	Kennedy,	Sayers,
Biggs,	King,	Schoenemann,
Bruner,	Kirkpatrick,	Snodgrass,
Butterworth,	Knight,	Stephenson,
Calkins of Fulton,	Lines,	St. John,
Calkins of Porter,	Major,	Stone,
Conner,	Martin of Wayne,	Strickland,
Defrees,	Martin of Putnam,	Taylor,
Deputy,	Millikan,	Washburn,
Friedley,	Monroe,	Williams,
Furnas,	Myers,	Wilson,
Gordon of Boone,	Netherton,	Wymer,
Heilman,	Rhodes,	Wood,
Hill,	Ruddell,	Woodward—45.

So the Speaker declared that William R. Hogshire, having received a majority of all the votes given by the House for that office, was duly elected on the part of the House.

*Ordered,* That the Clerk inform the Senate thereof.

Mr. Washburn introduced

House Bill No. 147. Entitled an act to protect the citizens of Indiana from empiricism, and to elevate the medical profession.

Which was read a first time, and,

On motion,

Referred to a select committee of seven; when,

On motion of Mr. Williams,

The House adjourned.

FRIDAY, JANUARY 20, 1871, 2 O'CLOCK P. M.

The House met.

Mr. Kennedy introduced

House Bill No. 148. An act to amend section one of an act entitled "An act to authorize township trustees of incorporated towns, and the common council of cities, to levy a tax for school purposes."

Which was read a first time, and,

On motion,

Referred to committee on education.

Mr. Henderson presented the memorial of S. W. Palmer, in reference to the claim of said Palmer for money expended to apprehend certain prisoners.

Which was,

On motion,

Referred to the committee on claims.

Mr. Heilman introduced

House Bill No. 149. An act in relation to the taking, holding, conveying, and transmitting of real estate by aliens.

Which was read a first time, and,

On motion,

Referred to the committee on rights and privileges.

A message from the Senate by the Secretary thereof:

MR. SPEAKER:

I am instructed to inform the House that the Senate, in compliance with the concurrent resolution previously adopted by both Houses, did, at 11 o'clock A. M. of this day, proceed to choose, by *viva voce*, a Trustee for the Asylum for the Blind, a Trustee for the Institution for the Education of the Deaf and Dumb, and a

Commissioner of the Hospital for the Insane, with the following result :

For Trustee Blind Asylum :

Mr. Casabianca Byfield received.....24 votes.

Mr. John S. Spann received.....22 votes.

For Trustee for the Institution for the Education of the Deaf and Dumb :

Mr. William R. Hogshire received.....24 votes.

Mr. James C. Burke received.....22 votes.

For Commissioner of Hospital for the Insane :

Mr. John M. Caldwell received.....24 votes.

Mr. Lewis Humphreys received.....22 votes.

Mr. Holland introduced

House Bill No. 150. An act to amend sections one and two of an act entitled "an act regulating docket fees of District Attorneys in the Courts of Common Pleas and before justices of the peace, and regulating Prosecuting and District Attorneys' fees for prosecutions on forfeited recognizances," approved June 4th, 1861.

Which was read a first time and,

On motion,

Referred to the committee on fees and salaries.

Mr. Rhodes introduced

House Bill No. 151. An act to encourage the destruction of red foxes.

Which was read a first time and,

On motion,

Referred to the committee on agriculture.

Mr. Oatley introduced the following resolution :

WHEREAS, In many parts of the State the small creeks and branches run through sections of the country that are nearly level which greatly retard the current of such creeks and branches, and that the collection of drift-wood and other vegetable matter in such creeks and branches, which, decomposing in the water, generate a

malaria that causes disease, and thus impair general health; therefore,

*Be it resolved*, That the committee on agriculture be requested to consider the propriety of reporting a bill requiring the owners of lands within this State to keep the channel of such small streams entirely free from such obstructions.

Which was read and,

On motion,

Referred to the committee on agriculture.

Mr. Ballenger introduced

House Bill No. 152. An act authorizing the issue of a subpoena *duces tecum* for certain officers, and requiring them, in certain cases, to produce original records, bonds, and other instruments in evidence.

Which was read a first time and,

On motion,

Referred to judiciary committee.

Mr. Martin of Wayne introduced

House Bill No. 153. Entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed, approved March 6, 1865.

Which was read a first time and,

On motion,

Referred to the committee on education.

Mr. Martin of Wayne introduced

House Bill No. 154. Entitled an act to amend an act entitled "an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto."

Which was read a first time and,

On motion,

Referred to the committee on highways.

Mr. McDowell offered the following joint resolution :

*Be it resolved by the General Assembly of the State of Indiana, That* our Representatives in Congress be requested, and our Senators be instructed, to secure the passage through Congress, if possible, of a bill vacating the navigation of the Wabash river within the meandering boundaries thereof from the mouth of the Mississinewa river to the Ohio State line, or so much thereof as may now be navigable, and all within the meanders of said Wabash river between the points specified above to be used exclusively for the use of roads, bridges, public buildings, and other purposes, as may be required by counties and school districts as a body corporate.

Which was read a first time and,

On motion,

Referred to the committee on federal relations.

The Speaker laid before the House the petition of Theodore Horton in reference to a certain claim.

Which was,

On motion,

Referred to the committee on claims.

Mr. Knight introduced

House Bill No. 155. An act to amend section 24 of an act entitled "an act regulating descents and the apportionment of estates," approved May 14th, 1852, adding a supplemental section to said act, and repeal all laws in conflict with this act.

Which was read a first time and,

On motion,

Referred to the committee on the judiciary.

Mr. Butterworth introduced

House Bill No. 156. An act to amend sections 3 and 10, and to repeal sections 13 and 14 of an act entitled "an act to authorize and encourage the construction of levees, dykes, and drains, and the reclamation of wet and overflowed lands by incorporated companies,



and to repeal all former laws relating to the same subject," taking effect May 22, 1869.

Which was read a first time and,

On motion,

Referred to the special committee on drains and levees.

Mr. McDonald offered the following joint resolution:

WHEREAS, Under the present arrangement and system of the judicial district, Circuit and Common Pleas, there is much inconvenience, as well as unnecessary expense to the people of the State;

WHEREAS, There is great need of a systematic and proper re-districting of the State for Circuit and Common Pleas purposes; and,

WHEREAS, There is much demand for the abolition of the Common Pleas Court system in this State; therefore,

*Be it Resolved by the House of Representatives*, (the Senate concurring) That a committee of five (5), three (3) from the House and two (2) from the Senate, one (1) from each Supreme Court District, be appointed by the President of the Senate and the Speaker of the House, who shall fully investigate the matters in the above and foregoing preamble referred to, and make full report to the next General Assembly, as such committee shall deem for the best interest of the whole people of this State, both personal and financial.

Which was,

On motion,

Referred to the committee on the organization of courts.

A message from the Senate by the Secretary thereof:

MR. SPEAKER:

The President of the Senate has directed me to inform the House that the President of the Senate has signed enrolled Senate Bill No. 1, entitled "an act to legalize bonds of cities, etc," herewith returned to the House, with the request that the Speaker of the House also sign the same.

The Speaker announced the following special committee in relation to doctors and empyrics:

Messrs. Minick, Hawley, Armstrong, Oatley, Friedley, Ballenger, and Strickland.

## SENATE BILLS ON THEIR THIRD READING.

Engrossed Senate Bill No. 22. Entitled an act to fix the time of holding Courts in the Sixth Judicial Circuit, requiring persons to take notice thereof, providing for the return of process, repealing all laws in conflict therewith, and declaring when this act shall take effect.

Which was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Gordon of Boone,	Mitchell,
Ballenger,	Gordon of Cass,	Monroe,
Beeler,	Guthrie,	Montgomery,
Biggs,	Hardin,	Myers,
Britton,	Hartley,	Neff,
Browning,	Hawley,	Netherton,
Barnaby,	Haynes,	Oatley,
Bruner,	Henderson,	Rhodes,
Butterworth,	Hendry,	Rice,
Caldwell,	Hill,	Ruddell,
Calkins of Fulton,	Holland,	Sabin,
Calkins of Porter,	Hooker,	Sansberry,
Cauthorn,	Hynes,	Sayres,
Coggsell,	Kennedy,	Schoenemann,
Conner,	King,	Simpson,
Copner,	Knight,	Shutt,
Cox,	Lines,	Snodgrass,
Cunningham,	Logan,	Stanley,
Curtis,	Major,	Stephens,
Defrees,	Martin of Wayne,	Stephenson,
Deputy,	Martin of Putnam,	St. John,
Devol,	McDonald,	Stone,
Donham,	McDowell,	Strickland,
Friedley,	McFarland,	Tarlton,
Furnas,	McGowan,	Taughinbaugh,
Gallentine,	Minick,	Taylor,
Gentry,	Miles,	Tebbs,
Goble,	Millikan,	Walker,

Washburn,	Wilson,	Woodward,
Warrum,	Wymer,	Zenor,
Williams,	Wood,	Mr. Speaker—93.

There being no one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered*, That the Clerk inform the Senate of the passage of the bill.

The Speaker announced the following special committee on drains and levees:

Messrs. Butterworth, McDowell, Calkins of Porter, Wymer, Hendry, Kennedy, and Snodgrass.

Mr. Biggs moved that when the House adjourns this afternoon, it adjourns to meet on Monday next at 2 o'clock P. M.

Which was agreed to.

On motion,

Leave of absence was granted to Mr. Haynes until Tuesday morning.

Engrossed Senate Bill No. 25. Entitled an act regulating the terms of the Circuit Courts in the Fifteenth Judicial Circuit, and making all process whatsoever returnable thereto, repealing all laws in conflict therewith, and declaring an emergency.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Britton,	Butterworth,
Ballenger,	Browning,	Calkins of Fulton,
Beeler,	Barnaby,	Calkins of Porter,
Biggs,	Bruner,	Cauthorn,

Coggswell,	Hynes,	Sabin,
Conner,	Kennedy,	Sansberry,
Copner,	King,	Sayers,
Cox,	Kirkpatrick,	Schoenemann,
Cunningham,	Knight,	Simpson,
Curtis,	Lines,	Shutt,
Davidson,	Logan,	Snodgrass,
Defrees,	Major,	Stephens,
Deputy,	Martin of Wayne,	Stephenson,
Devol,	Martin of Putnam,	St. John,
Donham,	McDonald,	Stone,
Friedley,	McDowell,	Strickland,
Furnas,	McFarland,	Tarlton,
Gallentine,	McGowan,	Taughinbaugh,
Goble,	Minick,	Taylor,
Gordon of Boone,	Miles,	Tebbs,
Gordon of Cass,	Millikan,	Walker,
Guthrie,	Mitchell,	Washburn,
Hardin,	Monroe,	Warrum,
Hartley,	Montgomery,	Williams,
Hawley,	Myers,	Wilson,
Haynes,	Neff,	Wymer,
Henderson,	Netherton,	Wood,
Hendry,	Oatley,	Woodward,
Hill,	Rhodes,	Zenor,
Holland,	Rice,	Mr. Speaker—91.
Hooker,	Ruddell,	

There being no one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Clerk notify the Senate of the passage of the bill.

Mr. Netherton presented the petition of sundry citizens, asking

for the passage of a law for the protection of the profession and practice of medicine.

Which was,

On motion,

Referred to the special committee on doctors and empyrics, when,

On motion of Mr. Williams,

The House took a recess until three o'clock.

The hour of three o'clock P. M. having arrived, the same being the hour fixed by the concurrent vote of both Houses, for receiving the memorial from the women of Indiana on the subject of female suffrage.

The Senate, upon the invitation of the House, came into the Hall of the House, preceded by the Lieutenant Governor.

Whereupon the Lieutenant Governor said :

We have met together for the purpose of receiving a memorial from the women of Indiana, and in accordance with a concurrent resolution, adopted by both Houses.

The resolution having been read by the Clerk of the House ; upon the invitation of the Lieutenant Governor, Miss Amanda Way, having the memorial in charge, came forward and delivered the same.

Whereupon the Lieutenant Governor said :

The purposes for which the joint convention convened, having been accomplished, I now declare it adjourned, *sine die*.

Mr. Calkins of Porter introduced the following resolution :

*Resolved*, That the House of Representatives return their thanks to the ladies of the Woman's State Suffrage Association, and especially to their representatives who have addressed us to-day on the subject of Woman Suffrage.

Which was agreed to.

Mr. Stone moved to reconsider the vote of the House by which the adjournment of to-day was to extend to Monday at 2 P. M.

Mr. Biggs moved to lay the motion to reconsider on the table.

On which, Messrs Stone, and Neff, demanded the ayes and noes.

The question being, shall the motion to reconsider lie on the table?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Hooker,	Snodgrass,
Beeler,	Hynes,	Tarlton,
Biggs,	Kennedy,	Taughinbaugh,
Browning,	Kirkpatrick,	Taylor,
Barnaby,	Lines,	Tebbs,
Bruner,	Martin of Wayne,	Warrum,
Butterworth,	McDonald,	Williams,
Calkins of Fulton,	McGowan,	Wilson,
Deputy,	Monroe,	Wymer,
Hartley,	Oatley,	Wood,
Hawley,	Rhodes,	Woodward,
Hendry,	Ruddell,	Mr. Speaker—38.
Hill,	Sansberry,	

*Those who voted in the negative were, Messrs.*

Ballenger,	Goble,	Neff,
Britton,	Gordon of Cass,	Netherton,
Calkins of Porter,	Guthrie,	Rice,
Cauthorn,	Holland,	Sayers,
Coggsell,	King,	Simpson,
Conner,	Knight,	Shutt,
Copner,	Logan,	Stephenson,
Cunningham,	McFarland,	Stone,
Defrees,	Minnick,	Strickland,
Devol,	Miles,	Walker,
Donham,	Millikan,	Washburn,
Friedley,	Montgomery,	Zenor—38.
Gallentine,	Myers,	

So the motion to lay on the table did not prevail.

The question being on the motion of Mr. Stone to reconsider, when,

On motion of Mr. Ruddell,  
The House adjourned.

## MONDAY AFTERNOON.

JANUARY 23, 1871, 2 O'CLOCK.

The House met pursuant to adjournment.

Prayer by the Rev. W. J. Pruner.

The Journal of Friday last was then read in part, when,  
On motion of Mr. Martin of Putnam,  
The further reading was dispensed with.

Mr. Calkins of Porter moved that the House resolve itself into committee of the whole, to consider House Bill No. 103, on Wednesday of next week, and that it be made the special order for that day at 11 o'clock A. M.

Which was agreed to.

Message from the Senate, by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the President of the Senate has signed Senate Joint Resolution No. 2, entitled a joint resolution, ceding to the United States jurisdiction over certain lands in Jeffersonville, Indiana, to be used for military purposes, which is herewith returned to the House, with the request the same be signed by the Speaker.

## ORDERS OF THE DAY.

*Engrossed bills on their third reading.*

Engrossed House Bill No. 82. Entitled an act to amend an act entitled "An act to provide for the periodical enumeration of the white male inhabitants of the State over the age of twenty-one years," etc.

Which was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbott,	Hill,	Ruddell,
Ballenger,	Holland,	Sabin,
Beeler,	Kennedy,	Sayers,
Biggs,	King,	Snodgrass,
Butterworth,	Knight,	Stephenson,
Calkins of Porter,	Martin of Wayne,	St. John,
Defrees,	Martin of Putnam,	Stone,
Deputy,	Minick,	Strickland,
Friedly,	Millikan,	Washburn,
Gallentine,	Myers,	Warrum,
Gordon of Boone,	Netherton,	Wilson,
Henderson,	Ray,	Wymer,
Hendry,	Rhodes,	Wood—39.

*Those who voted in the negative were, Messrs.*

Britton,	Guthrie,	Montgomery,
Browning,	Hardin,	Neff,
Barnaby,	Hartley,	Oatley,
Bruner,	Hawley,	Rice,
Copner,	Hynes,	Shutt,
Cox,	Logan,	Stephens,
Curtis,	McDonald,	Tarlton,
Devol,	McDowell,	Taughinbaugh,
Donham,	McFarland,	Walker,
Gentry,	McGowan,	Zenor,
Goble,	Miles,	Mr. Speaker—35.
Gordon of Cass,	Mitchell,	

So the bill failed to pass for want of a constitutional majority.

House Bill No. 62. Entitled an act to amend and consolidate the several acts relating to the protection and preservation of game, birds and fish.

Which was read a third time.

Mr. Ruddell offered the following amendment. Insert as follows:  
Section 5. That it shall be unlawful for any person to kill or



expose for sale, or have in his possession after the same is killed, wild wood duck, gray duck, black duck, blue bill, mallard or teal, between the fifteenth day of April, and the fifteenth day of September in each year. Any person or persons violating the provisions of this section, shall, upon conviction thereof, be fined the sum of five dollars for each duck or fowl so killed. No person shall at any time net or snare any quail, snipe, woodcock, pheasant, prairie hen, or chicken, partridge, turkey or wild fowl. Any person violating the provisions of this section shall, on conviction, be fined the sum of five dollars for each bird or fowl so killed.

Which was, by the unanimous consent of the House, accepted.

Mr. Myers moved to recommit the bill to the committee with instructions to consider, amendments excepting certain lakes and streams, in relation to seining, and netting, and fishing.

Which was agreed to.

#### HOUSE BILLS ON THEIR SECOND READING.

Engrossed House Bill No. 22. Entitled an act to amend an act to enable the owners of wet lands to drain and reclaim the same where the same can not be done without affecting the lands of others, approved March 11, 1867, and amending the title, and by amending sections 1, 3, 4, 6, 9, 11, and 12.

Which was read a second time.

Mr. McDowell moved that the bill lay on the table, and 200 copies be printed for the use of the House and Senate.

Which was agreed to.

House Bill No. 88. Entitled an act authorizing coroners in certain cases to appoint special constable, and defining his duty, and requiring coroners and justices to file papers of inquest in the clerk's office of said county.

Which was read a second time and ordered to be engrossed, and passed to its third reading to-morrow.

House Bill No. 90. An act amending section 173 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleading, and forms in civil causes in the courts of this State, to

abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, authorizing the court or judge thereof in vacation, or the sheriff thereof in vacation, to sell property attached under certain circumstances.

Which was read a second time, and,

On motion,

Referred to the judiciary committee.

House Bill No. 93. Entitled an act to amend section two hundred and seven (207,) of chapter one, article eleven, of an act to revise, simplify and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity.

Which was read a second time, and,

On motion,

Referred to the committee on the judiciary.

House Bill No. 115. An act repealing an act entitled "An act to repeal section 31, of an act concerning real property and the alienation thereof.

Which was read a second time, and,

On motion,

Referred to the judiciary committee.

Senate Joint Resolution No. 4.

WHEREAS, It has been customary in times past in all the wars in which our country has been engaged, except the war of the Great Rebellion of 1861, for the general government to reward their soldiers and seamen, or their widows or orphans, by granting them homesteads upon the public domain; therefore,

*Be it resolved by the General Assembly of the State of Indiana,* That our Senators be instructed, and our Representatives in Congress requested to make all proper exertions to procure the passage of a law through Congress, to allow every soldier and seaman (their widows or orphans,) who has served ninety days or upwards in the

army or navy of the United States, in the war of the Great Rebellion of 1861, and who were honorably discharged, to select one hundred and sixty acres of the public lands, subject to sale including alternate reserved sections along the lines of railroads, without requiring occupancy of the same.

*Resolved*, That the Governor be instructed to communicate this joint resolution to our Senators and Representatives in Congress.

The question being, shall the joint resolution pass?

The ayes and noes were taken under the constitutional rule.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Hartley,	Netherton,
Ballenger,	Hawley,	Oatley,
Beeler,	Henderson,	Ray,
Biggs,	Hendry,	Rhodes,
Britton,	Hill,	Rice,
Browning,	Holland,	Sansberry,
Barnaby,	Hynes,	Sayers,
Bruner,	Kennedy,	Shutt,
Butterworth,	King,	Snodgrass,
Caldwell,	Knight,	Stephens,
Calkins of Porter,	Logan,	St. John,
Copner,	Martin of Wayne,	Stone,
Cox,	Martin of Putnam,	Strickland,
Curtis,	McDonald,	Tarlton,
Defrees,	McDowell,	Taughinbaugh,
Deputy,	McFarland,	Walker,
Devol,	McGowan,	Washburn,
Donham,	Minick,	Warrum,
Friedley,	Miles,	Wilson,
Gallentine,	Millikan,	Wymer,
Gentry,	Mitchell,	Wood,
Goble,	Monroe,	Woodward,
Gordon of Cass,	Montgomery,	Zenor,
Guthrie,	Myers,	Mr. Speaker—73.
Hardin,	Neff,	

*Those who voted in the negative were, Messrs.*

Ruddell,

Sabin—2.

So the joint resolution passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Wilson offered the following resolution :

*Resolved*, That the committee on printing be, and they are hereby, instructed to inquire into the propriety and manner of best preserving the legislative proceedings of the House, the cost of properly and accurately reporting the same and their publication.

Which was agreed to ; when,

On motion of Mr. Washburn,  
The House adjourned. '

## TUESDAY MORNING.

JANUARY 24, 1871, 9 O'CLOCK.

The House met.

The journal of yesterday was read and approved.

## ORDERS OF THE DAY.

*House Bills on their Second Reading.*

House Bill No. 119. Entitled An act to regulate the dispensing and retailing of drugs, medicines, and chemicals.

Which was read a second time, and ordered to be engrossed, and passed to its third reading.

House Bill No. 120. An act to amend section four of an act entitled "An act to regulate and license the retailing of spirituous, vinous, malt, and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all laws contravening the provisions of this act, and prescribing penalties for violation thereof," approved March 5, 1859, and declaring an emergency.

Which was read a second time.

Mr. Rhodes offered the following amendment:

Amend by inserting after the second occurrence of the word "township," the words "incorporated town or ward of a city as aforesaid."

Mr. St. John offered the following amendment:

Amend the section so as to require a bond of two thousand five hundred dollars.

Which amendments, with the bill, were referred to the committee on temperance.

House Bill No. 72. An act to amend the sixteenth section of chapter six of an act entitled "An act concerning promissory notes, bills of exchange, bonds, or other instruments in writing, signed by any person who promises to pay money, or acknowledges money to be due, or for the delivery of any specific article, or to convey property, or to perform any stipulation therein mentioned, and repealing all laws coming in conflict therewith," approved March 11, 1861, with an emergency clause.

Which was read a second time, ordered to be engrossed, and passed to its third reading.

House Bill No. 75. An act making illegal and void all contracts for the payment of attorneys' fees by the promissor in such contract.

Which was read a second time.

Mr. Defrees offered the following amendment:

Amend as follows: That all notes in which attorneys' fees are provided for, such fee shall not exceed five per cent. on the first three hundred dollars, and two and a half per cent on all sums above that amount.

Mr. Biggs offered the following amendment:

Excepting from the operations of this act all notes and contracts made payable to any bank in this State, or to any person or persons, for loaned money in which no greater rate of interest than ten per cent. per annum shall have been received, paid, or contracted for: *Provided*, That such attorneys' fees shall in no case exceed five per cent.

Mr. Cunningham offered the following amendment:

Any person, company, bank, or corporation violating the provisions of this act by having in possession, or offering to take such notes, shall be judged guilty of a misdemeanor, and fined in any sum not exceeding fifty dollars, nor less than ten dollars.

Mr. Millikan moved to lay all the amendments on the table.

Which was agreed to.

The bill was then ordered to be engrossed and passed to its third reading.

House Bill No. 79. Entitled "An act to extend the time for the completion of certain railroads, and to legalize the proceedings of the boards of directors.

Which was read a second time, ordered to be engrossed, and passed to its third reading.

House Bill No. 99. An act to regulate the sale of alcoholic liquors, drugs, medicines, and poisons.

Which was read a second time and passed to its third reading.

House Bill No. 126. Entitled an act to amend paragraph thirteenth of section fifty-three of an act entitled "an act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14th, 1867.

Which was read a second time, ordered to be engrossed, and passed to a third reading.

Engrossed House Bill No. 67. Entitled an act to amend section fifth of an act entitled "an act concerning mortgages," approved May 4th, 1852.

Which was read a second time, ordered to be engrossed, and passed to its third reading.

House Bill No. 136. An act to amend section one of an act entitled "an act to exempt property from sale in certain cases," approved February 17, 1852.

Which was read a second time, ordered to be engrossed, and passed to its third reading.

House Bill No. 141. Entitled an act to provide a homestead exemption of one thousand dollars to householders and heads of families.

Which was read a second time and,

On motion,

Referred to the committee on rights and privileges.

## REPORTS OF STANDING COMMITTEES.

Mr. McDonald, from the judiciary committee, submitted the following report :

MR. SPEAKER:

Your committee to whom was referred House Bill No. 63, entitled "an act to amend sections 62, 63, 65, and 66 of an act entitled 'an act to repeal all general laws now in force for the incorporation of cities, and providing for the incorporation of cities, prescribing their powers and rights and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto,' approved March 14, 1867, and declaring an emergency," having had the same under consideration, report the same back with the following amendments:

In section 1, line 12, after the word "street" insert the words "or alley." Strike out of the same section all from line 17 to line 25 inclusive, and insert the following instead: "And to assess the cost of the construction of any such street or alley, or the cost of the alteration of any such street or alley, and the damages resulting to any owners of land injuriously affected by such construction or alteration, and assessed in favor of such person, or such portion of the said cost and damages as they shall deem just, upon the owners of any lands or lots benefited by such construction or alteration, in such equitable proportions as they shall deem just."

And your committee recommend that the bill, being so amended, do pass.

Which report was concurred in.

Mr. Friedley, from the judiciary committee, submitted the following report :

MR. SPEAKER:

The committee on judiciary to whom was referred House Bill No. 132 entitled "an act to repeal the proviso in section two of an act entitled 'an act making the Register of Sales of Michigan Road Lands and certified copies of entries therein evidence, and declaring the effect thereof, and making the records, and patents, and certificates of purchase, and other evidence in writing of the sale of real



estate, and certified copies of such records, evidence, and declaring the effect thereof,' approved March 9th, 1859, approved May 4th, 1869," have had the same under consideration, and beg leave to report the same back with the recommendation that it pass.

Which report was concurred in.

Mr. Martin of Putnam moved to reconsider the vote laying on the table the amendments to House Bill No. 75.

Mr. Rhodes moved to lay the motion to reconsider on the table.

Which was not agreed to.

The question recurring on the motion to reconsider.

It was agreed to.

Mr. St. John, from the judiciary committee, submitted the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred House Bill No. 135 entitled "an act to amend the 18th, 24th, 25th, and 26th sections of an act regulating descents and the apportionment of estates, approved May 14th, 1852, and adding a supplemental section to said act, approved March 4th, 1853," have had the same under consideration, and beg leave to report the same back with the recommendation that it lie on the table—the law at present in force being, in the opinion of the committee, sufficient, and the amendment proposed having a tendency to disturb the domestic relation.

Which was concurred in.

Mr. Sansberry, from the committee on organization of courts, submitted the following report:

MR. SPEAKER:

Your committee to whom was referred House Bill No. 81, providing for the abolition of all Criminal Circuit Courts in the State, except the counties of Vigo and Marion, have had the same under

consideration, and beg to report the same back to the House, with the recommendation that it pass.

Which report was recommitted to the committee, with instructions to call before them the Representatives of the counties interested.

Mr. Abbett moved that Mr. Mitchell be added to the committee on education.

Which was agreed to.

The Speaker announced the substitution of Mr. Conner on the committee on fees and salaries in the place of Mr. Cauthorn.

Mr. Copner, from the committee on engrossed bills, submitted the following report:

MR. SPEAKER:

The committee on engrossed bills would respectfully report that they have examined engrossed House Bills 67, 88, and 119, and find them correctly engrossed.

Which report was concurred in.

Mr. Zenor, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

The committee on county and township business to whom was referred House Bill No. 85, have had the same under advisement, and have directed me to report it back, with the recommendation that it be indefinitely postponed.

Pending the consideration of which report, the House,

On motion of Mr. Rhodes,  
Adjourned.

TUESDAY, JANUARY 24, 1871, 2 O'CLOCK P. M.

The House met.

The question on adjournment being on concurring in the report of the committee on county and township business on House Bill No. 85.

Mr. Ballenger moved to recommit the bill to the committee for further consideration.

Which was not agreed to.

Mr. Browning moved to recommit the bill to the judiciary committee.

Which was not agreed to.

Mr. Ballenger moved to recommit the bill to the committee on ways and means.

Mr. Wilson moved to lay the motion on the table.

Which was agreed to.

Mr. Browning moved to refer the bill to a special committee of five.

Mr. Cunningham moved to lay the motion on the table.

Which was agreed to.

Mr. Wilson moved the previous question, on concurring in the report of the committee.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being, shall the report of the committee be concurred in?

It was not concurred in.

Mr. Wilson moved that the bill be now recommitted to the committee on the judiciary.

Which was agreed to.

Mr. Donham, from the committee on agriculture, submitted the following report:

MR. SPEAKER:

Your committee on agriculture, to whom was referred House Bill No. 151, in relation to paying a premium on fox scalps, have had the same under consideration, and have directed me to report the same back to the House, with the recommendation that said bill be amended by striking out the word "red," and let the bill apply to all foxes. With that amendment, your committee recommend its passage.

Which report was concurred in.

Mr. Minick, from the committee on benevolent and scientific institutions, submitted the following report:

MR. SPEAKER:

The committee on benevolent and scientific institutions, to whom was referred House Bill No. 69, entitled "An act making specific appropriations for the benevolent institutions, have had the same under consideration, and direct me to report the same back with the following amendments, and when so amended, they recommend its passage:

First, in section 3, insert "five thousand dollars," where the words "ten thousand" occur, and strike out the words "Indiana House of Refuge for female offenders," and insert in lieu thereof, "Soldiers' and Orphans' Home," and add the following section:

SEC. 4. That the sum of thirteen thousand five hundred dollars be, and the same is hereby, appropriated for the payment to Messrs. Braden and Gay of said sum, for the introduction of water works by the Holly system in the hospital for the insane, as per contract and agreement with the board of commissioners of said hospital.

Which report was concurred in.

Mr. Wilson moved that the rules be suspended, and that House Bill No. 69 be read a second time now.

Which was agreed to, and the bill so read a second time, ordered to be engrossed, and passed to its third reading.

Mr. Minick, from the committee on benevolent and scientific institutions, submitted the following report:

MR. SPEAKER:

The committee on benevolent and scientific institutions, to whom was referred House Bill No. 60, entitled "An act to provide for the election of a supervisor and board of commissioners for the benevolent institutions of the State, and prescribing some of the duties of such officers, etc., have had the same under consideration, and herewith report it back, with the recommendation that it lie on the table.

Which was concurred in.

The Speaker announced that on account of locality, Mr. Friedley would be substituted for Mr. Conner on the committee on fees and salaries.

#### SPECIAL ORDER FOR THE DAY.

The hour of 2½ o'clock P. M. having arrived, being the hour appointed by the House for the consideration of the Senate joint resolution and all papers relating to the Wabash and Erie Canal bonds, etc., the same were taken up.

Mr. Neff, from the special committee to whom was referred all papers concerning the Wabash and Erie Canal, submitted the following report:

MR. SPEAKER:

Your special committee, to whom was referred the Senate and House resolutions relative to an amendment to the Constitution in relation to the paying the canal certificates, and taking back the Wabash and Erie Canal, report that they have examined the resolutions, and recommend that the resolution and amendment known as the Senate resolutions and amendment be adopted. As to the other matters, they ask further time.

Which was concurred in.

Engrossed Senate Joint Resolution No. 1. A joint resolution proposing an amendment to the constitution by adding to the tenth article a section in relation to the debt charged upon the Wabash and Erie Canal.

The question being, shall the joint resolution pass?

Under the constitutional rule, the ayes and noes were taken.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Hardin,	Neff,
Ballenger,	Hartley,	Netherton,
Beeler,	Hawley,	Oatley,
Biggs,	Haynes,	Ray,
Britton,	Heilman,	Rhodes,
Browning,	Henderson,	Rice,
Barnaby,	Hendry,	Ruddell,
Bruner,	Hill,	Sabin,
Butterworth,	Holland,	Sansberry,
Caldwell,	Hooker,	Sayers,
Calkins of Fulton,	Hynes,	Schoenemann,
Calkins of Porter,	Kennedy,	Simpson,
Cauthorn,	King,	Shutt,
Coggsell,	Kirkpatrick,	Snodgrass,
Conner,	Knight,	Stephens,
Cox,	Lines,	Stephenson,
Cunningham,	Logan,	St. John,
Curtis,	Major,	Stone,
Davidson,	Martin of Wayne,	Strickland,
Defrees,	Martin of Putnam,	Tarleton,
Deputy,	McDonald,	Taughinbaugh,
Devol,	McDowell,	Tebbs,
Donham,	McFarland,	Walker,
Friedley,	McGowan,	Washburn,
Furnas,	Minick,	Warrum,
Gallentine,	Miles,	Wilson,
Gentry,	Millikan,	Wymer,
Goble,	Mitchell,	Wood,
Gordon of Boone,	Monroe,	Woodward,
Gordon of Cass,	Montgomery,	Zenor,
Guthrie,	Myers,	Mr. Speaker—93.

The following members not voting, were absent on leave of absence on account of sickness:

Messrs. Copner, Rawles, Robertson, Stanley, Taylor, Williams, and White—7.

So the joint resolution passed.

The question being, shall the title as read, stand as the title of the joint resolution.

It was so ordered.

*Ordered*, That the Clerk inform the Senate of the passage of the joint resolution.

Message from the Senate by the Secretary thereof:

MR. SPEAKER:

I am instructed to inform the House, that the President of the Senate has signed enrolled Joint Resolution No. 4, of the Senate, and the same is herewith transmitted to the House for the signature of the Speaker.

Also enrolled act of the Senate No. 25. Entitled an act regulating the terms of the Circuit Courts in the Fifteenth Judicial Circuit, and the same are herewith transmitted for the signature of the Speaker.

Mr. Calkins of Porter presented a memorial from the Teacher's Institute of Porter county, in relation to the grading of teacher's licenses and salaries.

Which was,

On motion,

Referred to the committee on education.

Mr. Tarlton, from the committee on roads, submitted the following report:

MR. SPEAKER:

Your committee on roads, to whom was referred House Bill No. 40, entitled an act to amend section 7, chapter 170, of an act entit-

led "An act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," approved March 5, 1859, would respectfully represent that they have had the same under consideration, and have directed me to report the same back with the recommendation that it lie on the table.

Which report was not concurred in, and the bill passed to its second reading

Mr. Tarlton, from the committee on roads, submitted the following report:

MR. SPEAKER: .

Your committee on roads, to whom was referred House Bill No. 106, entitled an act to prevent electors from voting for persons for road supervisors, in other districts than that in which the elector resides, having duly considered the same, would respectfully report the following amendments, to wit:

Amend the title by adding, "and decreasing the penalty therefor," and the last line of section one, strike out "fifty," and insert "ten," and when so amended, recommended its passage.

Which report was concurred in.

Mr. Tarlton, from the committee on roads, submitted the following report:

MR. SPEAKER:

Your committee on roads to whom was referred House Bill No. 42, "an act to amend section eleven of an act to allow County Commissioners to organize turnpike companies, etc.," have had the same under consideration and have directed me to report the same back, with the recommendation that it pass.

Which was concurred in.

By the unanimous consent of the House,

Mr. Wilson introduced

House Bill No. 157. Entitled an act regulating the fees of cer-



tain officers and persons therein named, and prescribing penalties for the violation of its provisions.

Which was read a first time by its title and,

On motion,

Two hundred copies ordered to be printed.

Mr. Tarlton, from the committee on roads, submitted the following report:

MR. SPEAKER:

Your committee to whom was referred House Bill No. 100, for the improvement of highways, and providing the same to be worked, improved, and kept up by taxation. Said bill provides that a tax of not less than ten nor more than thirty-five cents be levied on each one hundred dollars taxable property, also a poll tax, not to exceed one dollar, for road purposes; said tax to be paid into the county treasury. The township trustee to let out the work in the road districts by contract; the contractor to enter into an agreement (written) with said trustee for the faithful performance of his duty; the agreement to be recorded in the office of said trustee, etc.

Your committee beg leave to report that we have had said bill under due consideration, and unanimously recommend that it be laid on the table.

Pending the consideration of which,

On motion of Mr. Barnaby,

The House adjourned.

## WEDNESDAY MORNING.

JANUARY 25, 1871, 9 O'CLOCK.

The House met.

Prayer by the Rev. J. E. Scott.

The journal of yesterday was then read in part, when,  
On motion of Mr. McDowell,  
The further reading was dispensed with.

The question pending at last adjournment being the consideration of the report from the committee on roads on House bill No. 100.

Mr. Defrees moved to recommit the bill to the committee for further consideration.

Mr. Calkins of Porter moved to amend by referring to the committee on county and township business.

Which was accepted by Mr. Defrees.

Mr. Holland moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on the motion of Mr. Defrees to recommit to the committee on county and township business.

It was agreed to.

Mr. Tarlton, from the committee on roads, submitted the following report:

MR. SPEAKER:

Your committee to whom was referred House Bill No. 154, which

provides for the amendment of section twenty of an act providing for the election or appointment of supervisors of highways, etc., approved Dec. 20, 1865, beg leave to report that we have had said bill under due consideration, and recommend its passage.

Which report was concurred in.

Mr. Martin of Putnam moved that Mr. Major be added to the committee on fees and salaries.

Which was agreed to.

Mr. Britton, from the committee on roads, submitted the following report:

MR. SPEAKER:

Your committee on roads to whom was referred House Bill No. 105, entitled "an act allowing persons to make certain improvements on the public highways, and providing the manner of payments therefor, and declaring an emergency," report that they have had the same under consideration, and herewith return the same to the House and recommend its passage.

Which report was concurred in.

Mr. Martin of Wayne, from the committee on roads submitted the following report:

MR. SPEAKER:

Your committee to whom was referred House Bill No. 55, entitled "an act to amend section eighteen of an act (3 G. & H., page 634) providing for Macadamized, gravel, and plank roads," beg leave to report that they have had said bill under due consideration and recommend its passage.

Which report was concurred in.

Mr. Copner, from the committee on engrossed bills submitted the following report:

MR. SPEAKER:

Your committee on engrossed bills to whom was referred House

Bills Nos. 67, 88, 119, 79, 69, 63, 126, 72, 136, and 99, have carefully examined the same and find them correctly engrossed.

Mr. Tarlton, from the committee on roads, submitted the following report:

MR. SPEAKER:

Your committee on roads to whom was referred House Bill No. 96, entitled "an act to amend section forty-five of an act entitled 'an act to provide for the opening, vacating, and change of highways,' approved June 17, 1852," report that they have had the same under consideration, and herewith return the same and recommend its passage.

Which report was concurred in.

A message from the Governor by John M. Commons, his Private Secretary:

EXECUTIVE DEPARTMENT,  
INDIANAPOLIS, January 24, 1871.

MR. SPEAKER:

By direction of the Governor, I have the honor to transmit herewith a communication in response to a resolution calling for information in relation to suits now pending in the Putnam Circuit Court against the Terre Haute Railroad.

JOHN M. COMMONS,  
Private Secretary.

EXECUTIVE DEPARTMENT,  
INDIANAPOLIS, January 24, 1871.

*Gentlemen of the House of Representatives:*

I have just received a copy of your resolution requesting me to furnish any information in my possession in reference to the suits now pending in the Putnam Circuit Court, against the Terre Haute Railroad Company, on behalf of the State, and, also, what powers, if any, are necessary to be given me for the further prosecution of such suit.

In response to the resolution, I beg leave to say that I have had no connection, official or unofficial, with the commencement or prosecution of said action, and I have no information on the subject whatever. I am unofficially informed that the prosecuting attorney of the circuit in which Putnam county is situated has filed in the Putnam Circuit Court an information against the Terre Haute & Indianapolis Railroad Company, in the name of the State, on the relation of said prosecuting attorney, for the purpose of procuring a judicial declaration of the forfeiture of the charter of said company. I am also informed in the same way, that one or more distinguished members of the bar are assisting the prosecuting attorney in prosecuting said information, but I have had no communication or correspondence whatever with the prosecuting attorney or his assistants in relation to the matter, nor am I informed that the officer having charge of the case desires any further power than that wherewith the law now clothes him.

CONRAD BAKER.

Mr. Calkins of Porter, from the special committee on House Bill No. 137, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House Bill No. 137, in reference to fixing the time of holding the Courts of Common Pleas in the Sixteenth Judicial District, and repealing all laws in conflict therewith, have had the same under consideration, and report back the inclosed amended bill, and respectfully ask that it be put upon its passage.

Which report was concurred in.

A message from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following resolution, in which the concurrence of the House is respectfully requested:

*Resolved by the Senate, (the House of Representatives concurring)*  
That our Senators and Representatives in Congress are hereby requested to vote and use their influence to have the tariff act so

modified as to place the prime articles of necessity, including tea, coffee, sugar, and salt on the free list.

*Resolved*, That the Governor is hereby requested to forward a copy of this resolution to each of our Senators and Representatives in Congress.

Also, the President of the Senate has signed Enrolled Act No. 22 of the Senate, and the same is herewith transmitted for the signature of the Speaker.

Mr. Minnick, from the special committee on House Bill No. 147, submitted the following report:

**MR. SPEAKER:**

Your committee to whom was referred House Bill No. 147, have examined said bill, and hereby return the same and recommend its passage.

Indefinite leave of absence was granted to Mr. Furnas, by the consent of the House.

Mr. Calkins of Porter offered the following amendment to House Bill No. 147:

To recommit the bill, with instructions to amend by providing for the appointment of some competent physicians, composed of one member of each branch of the different schools, in each Congressional District, who shall examine each applicant and shall give the certificate required by this act, and shall receive from every applicant the sum of five dollars for such examination; and to provide that such appointees shall constitute a State Board of Physicians, who may meet at any time and place they may choose, and shall have power to revoke any license granted by either of such physicians.

Which was agreed to.

Pending the consideration of the report of the committee on House Bill No. 147,

On motion of Mr. Miles,  
The House adjourned.

WEDNESDAY, JANUARY 24, 1871, 2 O'CLOCK P. M.

The House met.

The unfinished business pending at adjournment, being the consideration of the report of the committee on House Bill No. 147.

Mr. Martin of Putnam offered the following amendment:

Amend by adding the following section:

*Provided*, That none of the provisions of this act shall apply to female physicians.

Which was agreed to, and the bill was recommitted to the special committee for further consideration.

Mr. Montgomery offered the following:

*Resolved*, That the Doorkeeper be authorized and empowered to employ such additional force as may be necessary to station a sufficient guard at the entrances of this building, for the purpose of preventing such practices as have made such entrances offensive.

Mr. Abbett moved to lay the resolution on the table.

Which was agreed to.

Mr. McDonald offered the following resolution:

*Resolved, by this House*, That Charles L. McClurg, who has faithfully discharged his duties as page on the floor of the House, from the commencement of this session, be paid and discharged; and, further, that Eddie Mason, the little son of a gallant soldier, who was killed on the field of battle, be retained as a page, as his services are needed on this floor.

Mr. Wilson moved to amend the resolution so as to retain both pages.

Which was agreed to.

And the resolution as amended was agreed to.

Mr. Sabin offered the following resolution together with the affidavit of one Henry F. Leavitt:

WHEREAS, grave charges have been preferred against certain officers of the Hospital for the Insane, by one Henry F. Leavitt; therefore, be it

*Resolved*, That the committee on Benevolent and Scientific Institutions be, and they are hereby instructed to thoroughly investigate said charges, with power to send for persons and papers, and to report the result of their investigations to this House.

Which was agreed to, and the affidavit referred to the committee on benevolent and scientific institutions.

Mr. Browning offered the following resolution:

*Resolved*, That the principal clerk be, and he is hereby allowed to draw twenty-five dollars worth of stationery in addition to that allowed by a previous resolution of this House.

Which was agreed to.

Mr. Lines moved that House Bill No. 41, be taken from the Speaker's table, and referred to the committee on the judiciary.

Which was agreed to.

A message from the Senate by the Secretary thereof:

MR. SPEAKER:

I am instructed by the Senate to inform the House that the Senate has passed Senate Joint Resolution No. 6, entitled a joint resolution for the adjustment and collection of claims in favor of the State of Indiana, herewith presented, and in which the concurrence of the House is respectfully requested.

#### SPECIAL ORDER FOR THE DAY.

The hour of 2½ o'clock P. M. having arrived, the same being the hour appointed by the House for the consideration of the concurrent resolution in relation to the claims and suits for the recovery of the same of the State, against the Terre Haute and Indianapolis Railroad.

The same was taken up.



Mr. Martin of Putnam offered the following amendment. Amend by substituting the following :

*Be it resolved by the General Assembly of the State of Indiana,* That His Excellency, the Governor of the State be, and he is hereby authorized, directed and instructed to take supervision of the suit against the Terre Haute and Indianapolis Railroad Company, now pending in the Putnam Circuit Court, upon the information of John C. Robinson, Prosecuting Attorney of the Sixth Judicial Circuit; to employ additional counsel, if necessary; to defray out of his contingent fund, all necessary expenses that may be incurred in taking depositions, and procuring testimony in aid of the prosecution of said cause, and to do whatsoever else is necessary to be done to further the energetic and effective prosecution of said action. *Provided,* That no compromise of said suit shall be made without the approval of the General Assembly.

Mr. Browning offered the following amendment. Amend said resolution as follows :

Instruct the Attorney General to examine what amount, if anything, is due the school fund from the Terre Haute and Indianapolis Railroad, and if said road is not liable under existing laws; what legislation is necessary, if any, in order to enable the school fund to recover the amount claimed by the school fund, under the provisions of the charter of said road, and also what amount is due the State on account of the transportation of troops over said road during the late war, for which the road should not have been paid by the State.

A message from the Senate by the Secretary thereof:

MR. SPEAKER:

I am instructed to inform the House that the Senate has passed concurrent resolution of the House, instructing our Senators and requesting our Representatives in Congress to vote and use their influence against any further donations of the public lands to railroad companies.

Also Joint Resolution of the House No. 7, entitled a joint resolution to equalize the bounties of the soldiers and seaman of the

United States in the war of the Rebellion, and the same are herewith returned to the House.

The question being on the amendment offered by Mr. Browning.

The ayes and noes were demanded by Messrs. Martin of Putnam, and Ballenger.

*Those who voted in the affirmative were, Messrs.*

Abbott,	Caldwell,	Gordon of Cass—5.
Browning,	Gallentine,	

*Those who voted in the negative were, Messrs.*

Ballenger,	Haynes,	Netherton,
Beeler,	Heilman,	Rawles,
Biggs,	Henderson,	Rhodes,
Britton,	Hendry,	Rice,
Barnaby,	Hill,	Ruddell,
Bruner,	Holland,	Sabin,
Butterworth,	Hooker,	Sansberry,
Calkins of Fulton,	Hynes,	Schoenemann,
Calkins of Porter,	Kennedy,	Simpson,
Cauthorn,	King,	Shutt,
Coggsell,	Kirkpatrick,	Snodgrass,
Conner,	Lines,	Stanley,
Cox,	Logan,	Stephens,
Cunningham,	Major,	Stephenson,
Curtis,	Martin of Wayne,	Stone,
Davidson,	Martin of Putnam,	Tarleton,
Defrees,	McDowell,	Taughinbaugh,
Deputy,	McFarland,	Tebbs,
Devol,	McGowan,	Walker,
Donham,	Minick,	Washburn,
Friedley,	Miles,	Warrum,
Gentry,	Millikan,	White,
Goble,	Mitchell,	Wilson,
Gordon of Boone,	Monroe,	Wymer,
Guthrie,	Montgomery,	Wood,
Hardin,	Myers,	Zenor,
Hartley,	Neff,	Mr. Speaker—82.
Hawley,		

So the amendment did not prevail.

Mr. Calkins of Porter offered the following amendment :

Amend by striking out all of said resolution except the authority of the Governor to employ assistant counsel.

Mr. Cauthorn moved to lay the amendment on the table.

Which was agreed to.

Mr. McDonald moved to lay the whole matter on the table.

Which was not agreed to.

The question recurring on the amendment offered as a substitute by Mr. Martin of Putnam.

It was agreed to.

The question recurring on the resolution as amended.

Pending which,

Mr. McDonald offered the following resolution :

*Resolved*, That a standing committee on reformatory institutions be appointed by the Speaker, to consist of seven members, to whom shall be referred all matters relating to the House of Refuge and the Reformatory for Women and Girls.

Which was agreed to.

A message from the Senate by the Secretary thereof:

MR. SPEAKER:

I am instructed to inform the House that the Senate has passed a concurrent resolution of the House instructing our Senators and requesting our Representatives in Congress to vote and use their influence against any further donations of the public lands to railroad companies.

Also, Joint Resolution of the House No. 7. Entitled a joint resolution to equalize the bounties of the soldiers and seamen of the United States in the war of the rebellion, and the same are herewith returned to the House.

Leave of absence to attend a funeral was granted to Mr. Strickland.

The committee on benevolent and scientific institutions were granted leave of absence over to-morrow.

The Speaker laid before the House the report of the Canal Commissioners.

On motion of Mr. Ballenger,  
The House adjourned.

## THURSDAY MORNING.

JANUARY 26, 1871, 9 O'CLOCK.

The House met.

Prayer by the Rev. Dr. Andrus.

The journal of yesterday was read.

Mr. Ballenger moved to change the journal so as to show that no vote was taken on the joint resolution of Mr. Martin of Putnam on account of the failure to take the ayes and noes as required by the constitution.

Which was agreed to.

The journal was so corrected and approved.

The question on the passage of the joint resolution being the question before the House,

The ayes and noes were taken under the constitutional rule.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Guthrie,	Martin of Putnam,
Ballenger,	Hardin,	McDowell,
Beeler,	Hartley,	McFarland,
Biggs,	Heilman,	Millikan,
Butterworth,	Henderson,	Mitchell,
Calkins of Fulton,	Hendry,	Monroe,
Cauthorn,	Hill,	Myers,
Conner,	Hooker,	Neff,
Cox,	Kennedy,	Netherton,
Davidson,	Kirkpatrick,	Rhodes,
Friedley,	Knight,	Ruddell,
Gentry,	Lines,	Sabin,
Goble,	Major,	Sansberry,
Gordon of Boone,	Martin of Wayne,	Sayers,

Schoenemann,	St. John,	Warrum,
Simpson,	Stone,	Wilson,
Shutt,	Taughinbaugh,	Wymer,
Snodgrass,	Walker,	Wood,
Stanley,	Washburn,	Woodward—58.
Stephenson,		

*Those who voted in the negative were, Messrs.*

Britton,	Gordon of Cass,	Montgomery,
Browning,	Hawley,	Rice,
Bruner,	Haynes,	Stephens,
Caldwell,	Hynes,	Tarlton,
Coggsell,	Logan,	Tebbs,
Cunningham,	McDonald,	White,
Defrees,	Minick,	Zenor,
Donham,	Miles,	Mr. Speaker—25.
Gallentine,		

So the joint resolution passed.

The question being, shall the title as read stand as the title of the joint resolution?

It was so ordered.

*Ordered,* That the Clerk inform the Senate of the passage of the joint resolution.

A message from the Governor by John M. Commons, his Private Secretary:

EXECUTIVE DEPARTMENT,  
INDIANAPOLIS, January 25, 1871.

MR. SPEAKER:

By direction of the Governor, I have the honor to lay before the House a communication accompanied by the report of the Board of Managers of the Reformatory Institution for Women and Girls, and also the report of the Adjutant General of the State.

JOHN M. COMMONS,  
Private Secretary.

*Gentlemen of the Senate and House of Representatives:*

I herewith respectfully transmit the report of the Board of Managers of the Indiana Reformatory Institution for Women and Girls. Also, the report of the Adjutant General of the State.

CONRAD BAKER.

Mr. Simpson offered the following resolution:

*Be it resolved*, That the Indiana State Journal be and is hereby expelled from this House for the publication in its issue of to-day of a gross libel upon this body, and for malicious slander and outrageous lying upon members individually, as well as upon the House as an organization.

Mr. McDonald offered the following substitute:

*Resolved*, That unless the managers of the Journal shall retract the scurrilous articles in regard to the proceedings of the House on the 25th (yesterday,) and the very uncalled for strictures on the Hon. Speaker, said Journal will be excluded from this House.

Mr. Davidson offered the following as a substitute:

*Resolved*, That the article in the Indianapolis Daily Journal of this date, reflecting upon the conduct of members of this House and the Speaker thereof, charging them with obscenity and blackguardism, is false in fact, malicious in spirit, an insult to this legislative body, and deserves its unqualified condemnation.

Which substitute was accepted by Mr. Simpson.

Mr. Biggs moved to lay the whole matter on the table, and that it be made the special order for to-morrow at 3 o'clock.

On which the ayes and noes were demanded by Messrs. McDonald and Biggs.

*Those who voted in the affirmative were, Messrs.*

Ballenger,	Calkins of Fulton,	Cunningham,
Beeler,	Calkins of Porter,	Defrees,
Biggs,	Conner,	Deputy,

Gordon of Boone,	Martin of Putnam,	Snodgrass,
Heilman,	Millikan,	Stephenson,
Hendry,	Monroe,	St. John,
Hill,	Myers,	Washburn,
King,	Netherton,	White,
Kirkpatrick,	Rawles,	Wilson,
Lines,	Ray,	Wymer,
Major,	Rhodes,	Wood—35.
Martin of Wayne,	Ruddell,	

*Those who voted in the negative were, Messrs.*

Abbett,	Hardin,	Oatley,
Britton,	Hartley,	Rice,
Browning,	Hawley,	Sabin,
Barnaby,	Haynes,	Sansberry,
Bruner,	Henderson,	Sayers,
Butterworth,	Hynes,	Simpson,
Caldwell,	Kennedy,	Shutt,
Cauthorn,	Knight,	Stanley,
Coggsell,	Logan,	Stephens,
Cox,	McDonald,	Stone,
Donham,	McDowell,	Tarleton,
Davidson,	McFarland,	Taughinbaugh,
Friedley,	McGowan,	Tebbs,
Gallentine,	Minick,	Walker,
Gentry,	Miles,	Warrum,
Goble,	Mitchell,	Woodward,
Gordon of Cass,	Montgomery,	Zenor,
Guthrie,	Neff,	Mr. Speaker—54.

So the motion did not prevail.

- Mr. Cauthorn moved to amend the resolution by striking out the words "malicious in spirit."

Which was agreed to.

Mr. Calkins of Porter moved the previous question.

Which was seconded by the House.

The question being, shall the main question be put?

It was so ordered.



The question being, shall the resolution prevail?

The ayes and noes were demanded by Messrs. Neff and Ballenger.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Hawley,	Neff,
Ballenger,	Haynes,	Oatley,
Beeler,	Heilman,	Rawles,
Britton,	Henderson,	Ray,
Browning,	Hendry,	Rice,
Barnaby,	Hill,	Ruddell,
Bruner,	Holland,	Sabin,
Butterworth,	Hooker,	Sansberry,
Caldwell,	Hynes,	Schoenemann,
Calkins of Porter,	Kennedy,	Shutt,
Cauthorn,	King,	Snodgrass,
Coggsell,	Knight,	Stanley,
Conner,	Lines,	Stephens,
Cox,	Logan,	Stephenson,
Curtis,	Major,	St. John,
Defrees,	Martin of Wayne,	Tarlton,
Deputy,	Martin of Putnam,	Taughinbaugh,
Donham,	McDonald,	Tebbs,
Davidson,	McDowell,	Walker,
Friedley,	McFarland,	Washburn,
Gallentine,	McGowan,	Warrum,
Gentry,	Minick,	Wilson,
Goble,	Miles,	Wymer,
Gordon of Boone,	Millikan,	Wood,
Gordon of Cass,	Mitchell,	Woodward,
Guthrie,	Monroe,	Zenor,
Hardin,	Montgomery,	Mr. Speaker—83.
Hartley,	Myers,	

*Those who voted in the negative were, Messrs.*

Biggs,	Netherton,	Simpson,
Cunningham,	Rhodes,	Stone,
Kirkpatrick,	Sayers,	White—9.

So the resolution prevailed.

Mr. Cunningham, when his name was called, in explanation of his vote, said :

MR. SPEAKER :

I wish to explain my vote, and in so doing, give a reason why I vote against this resolution, as I was not allowed the privilege of speaking to the merits of this resolution by reason of the previous question having been moved. We live in a country, celebrated for its freedom of the press. The press is the great agent of disseminating knowledge and information, through it, learning may reach every hamlet in the land ; through its influence the people are fast becoming better and wiser, and by this means to a great extent, the public scrutinize the acts of the public servants. It is the boast of the American people, that their press has a right to criticise the acts and doings of the public bodies. And all such criticism tends to a healthy restraint on the extreme action of legislative bodies, touching questions of public interest. In these days of corruption, it is true, the press is as liable as other agencies of the people, to commit blunders and errors ; but public opinion must pass judgment upon its action in such cases. Is it not the part of wise men to let public opinion decide in the matter now under consideration, better let such things go unnoticed, than muzzle our free and independent press. The people pay liberally for our State printing, and our doings are sent to every home at the public expense ; the people must see and know what we are doing ; let them decide whether this statement is true or not ; let the good sense and intelligence of the people pronounce judgment on this matter, and as the press is more answerable at that tribunal than any other, let it there receive a just and honorable consideration, and if rebuke is necessary in this case, the press will by the people be rebuked and condemned, and as I believe that public opinion must and will decide this question, I can not, and will not vote to censure any respectable paper for expressing what I believe it thought at the time, to be an honest, (though mistaken) opinion.

D. W. CUNNINGHAM.

The Speaker announced the following standing committee on reformatory institutions :

Messrs. McGowan, Gallentine, Woodward, Abbett, Walker, Monroe, and Conner.

Leave of absence to visit the State University, was granted to the committee on education.

Leave of absence was granted Mr. Biggs, to accompany the committee on education.

Leave of absence was granted Mr. Martin of Wayne, for same purpose.

A message from the Senate, by the Secretary thereof:

MR. SPEAKER:

I am instructed to inform the House that the President of the Senate has signed enrolled Joint Resolution No. 1, of the Senate, entitled a joint resolution, proposing an amendment to the Constitution of the State, by adding to the tenth article a section in relation to the debt charged upon the Wabash and Erie Canal; and the same is hereby transmitted to the House for the signature of the Speaker.

Mr. Stephens, from the committee on engrossed bills, submitted the following report:

MR. SPEAKER:

Your committee to whom was referred engrossed House Bill No. 42, have carefully compared the same with the original, and find it correctly engrossed.

The Speaker announced the following changes in the standing committees:

Mr. Biggs, appointed to the committee on corporations, in place of Mr. St. John, relieved.

Mr. Sansberry, as chairman of the committee on insurance in place of Mr. McDonald, relieved.

Mr. Cauthorn moved to take up Senate Bill No. 39, and that the same be put upon its passage.

Which was agreed to.

Engrossed Senate Bill No. 39. Entitled an act amendatory of an act accepting the provisions of an act of the Congress of the United States of America entitled "an act donating lands to the several

States and Territories which may provide colleges for the benefit of agriculture and mechanic arts, providing for the receipt, investment, and management of said donation," passed March 5, 1865, and providing for an increase of the number of Trustees in the Purdue University, and the election of four members of the State Board of Agriculture as Trustees of the Purdue University.

Which was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Gordon of Cass,	Netherton,
Ballenger,	Guthrie,	Oatley,
Beeler,	Hardin,	Rawles,
Biggs,	Hartley,	Ray,
Britton,	Hawley,	Rhodes,
Browning,	Haynes,	Rice,
Barnaby,	Henderson,	Ruddell,
Bruner,	Hendry,	Sabin,
Butterworth,	Hill,	Sansberry,
Caldwell,	Hooker,	Sayers,
Calkins of Fulton,	Hynes,	Schoeneman,
Calkins of Porter,	Kennedy,	Shutt,
Cauthorn,	Kirkpatrick,	Snodgrass,
Coggsell,	Knight,	Stephens,
Conner,	Lines,	St. John,
Cox,	Logan,	Tarleton,
Cunningham,	Major,	Tebbs,
Curtis,	Martin of Wayne,	Walker,
Deputy,	McDonald,	Washburn,
Donham,	McFarland,	White,
Davidson,	Miles,	Wymer,
Gallentine,	Millikan,	Wood,
Gentry,	Monroe,	Woodward,
Goble,	Myers,	Zenor,
Gordon of Boone,	Neff,	Mr. Speaker—79.

*Those who voted in the negative were, Messrs.*

McDowell,	Stanley,	Taughinbaugh,
Mitchell,	Stone,	Warrum—7.
Montgomery,		

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Clerk inform the Senate of the passage of the bill.

When,

On motion of Mr. Ballenger,  
The House adjourned.

THURSDAY, JANUARY 26, 1871, 2 O'CLOCK, P. M.

The House met.

Mr. Biggs moved to correct the report of the committee on mileage in the case of Mr. Rawles, by adding twenty miles to the amount allowed him.

Which was agreed to.

#### INTRODUCTION OF BILLS, PETITIONS, AND RESOLUTIONS.

Mr. Abbett introduced

House Bill No. 158. An act to preserve the peace, and fixing a punishment for the disturbance thereof.

Which was read a first time and,

On motion,  
Referred to the committee on rights and privileges.

Mr. Taughinbaugh introduced

House Bill No. 159. An act to amend section eight of an act entitled "an act touching the laying out and vacating of towns, streets, alleys, public squares, etc.," approved May 20, 1852.

Which was read a first time and,

On motion,

Referred to the committee on cities and towns.

Mr. Gordon of Boone introduced

House Bill No. 160. Entitled an act to amend section one of an act entitled "an act to amend an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers thereto, etc."

Which was read a first time and,

On motion,

Referred to the committee on county and township business.

Mr. Browning offered the following resolution:

*Resolved*, That the committee on the organization of courts be and they are hereby directed to inquire into the expediency of so amending the present law as to require the attendance of petit jurors on the second instead of the first day of the term, as their attendance on said first day of the term is a needless expense—their services not being needed; and to report by bill or otherwise.

Which was read and,

On motion,

Referred to the committee on the organization of courts.

Mr. Minick introduced

House Bill No. 161. An act to regulate the price and compensation for publishing legal notices required by law to be published.

Which was read a first time and,

On motion,

Referred to the committee on public printing.

Mr. Minick introduced

House Bill No. 162. An act to amend sections two and six of an

act entitled "an act providing for a geological survey and for the collection and preservation of a geological and mineralogical cabinet of the natural history of this State, etc."

Which was read a first time and,

On motion,

Referred to the committee on agriculture.

Mr. Barnaby introduced

House Bill No. 163. Entitled an act to regulate insurance companies.

Which was read a first time, and,

On motion,

Referred to the committee on insurance.

Mr. Barnaby submitted the following concurrent resolution:

WHEREAS, On the — day of April, 1870, a fire occurred at the State Prison, situated at Jeffersonville, Ind., destroying certain buildings belonging to the State of Indiana, and greatly jeopardizing the whole prison; and,

WHEREAS, Two United States Government Fire Engines, situate at Jeffersonville, Ind., did go out beyond their required limits, and acting outside of the duties required of them by the government, and giving great assistance to the prison authorities in saving said prison; and,

WHEREAS, In performing service at said prison, said members of the United States Government Engines met with severe losses in clothing; therefore,

*Be it Resolved by the House of Representatives*, (the Senate concurring,) That five hundred dollars be, and the same is hereby appropriated to be divided equally among the members of the two United States Government Fire Engines, situate at Jeffersonville, Indiana, to reimburse the said members of the said companies for losses sustained by them at the said fire.

Which was read a first time, and,

On motion,

Referred to the committee on claims.

The Speaker announced the appointment of Mr. Gordon of Boone,

to the committee on insurance, in the place of Mr. Henderson, relieved.

Mr. Cox introduced

House Bill No. 164. An act to regulate the forfeiture of policies for life insurance.

Which was read a first time, and,

On motion,

Referred to the committee on insurance.

Mr. Abbett introduced

House Bill No. 165. An act to legalize the proceedings of assessors in assessing and listing lands and lots for plank, macadamized, and gravel roads, the collection of benefits so assessed, and all proceedings of plank, macadamized and gravel road companies, and to repeal the gravel road law of 1869, and declaring an emergency.

Which was read a first time, and,

On motion,

Referred to the committee on roads.

Mr. Haynes introduced

House Bill No. 166. Entitled an act to simplify the mode of doing county business, defining the fees and salaries of county officers, providing books, records, and stationery, and repealing all laws in conflict therewith.

Which was read a first time, and,

On motion,

Referred to the committee on fees and salaries.

Mr. Calkins of Porter moved to print two hundred copies of the bill.

Mr. McDonald moved to lay the motion on the table.

Which was agreed to.

Mr. Tebbs introduced

House Bill No. 167. Entitled an act to amend sections one and



two of an act creating the Twenty-sixth Judicial Circuit, and fixing the times of holding the courts in the Fourth Judicial Circuit, approved April 22, 1869.

Which was read a first time, and,

On motion,

Referred to a special committee, to wit:

Messrs. Tebbs, Goble, Williams, and Holland.

Mr. Rice introduced

House Bill No. 168. An act to apprehend fugitives from justice from foreign States.

Which was read a first time, and,

On motion,

Referred to the judiciary committee.

Mr. Goble introduced

House Bill No. 169. An act to provide for county boards of education for common school purposes, defining their duties, etc.

Which was read a first time, and,

On motion,

Referred to the committee on education.

Mr. Rice presented the petition of sundry citizens of Floyd county, asking the repeal of an act entitled "An act to discourage the keeping of useless and sheep-killing dogs," etc.

Which was,

On motion,

Referred to the committee on agriculture.

Mr. Calkins of Fulton introduced

House Bill No. 170. Entitled an act to amend section 18 of an act entitled "An act concerning the partition of land," approved May 2, 1852.

Which was read a first time, and,

On motion,

Referred to the committee on the judiciary.

Mr. Calkins of Fulton introduced

House Bill No. 171. Entitled an act providing for proceedings supplementary to execution before Justices of the Peace, being supplemental to an act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases, approved June 9, 1852.

Which was read a first time, and,

On motion,

Referred to the judiciary committee.

Mr. Calkins of Fulton introduced

House Bill No. 172. An act to amend an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings, and forms in civil cases in this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity." approved June 18, 1852, and being supplemental thereto.

Which was read a first time, and,

On motion,

Referred to the judiciary committee.

Mr. Stone presented a petition from certain citizens of Randolph county asking for the enactment of a law suppressing the traffic in intoxicating liquors as a beverage, declaring such traffic criminal, with suitable provisions for the conviction and punishment of the offender.

Which was,

On motion,

Referred to the committee on temperance.

Mr. Stone presented a petition from three hundred and fifty-eight voters of Jay county on the subject of temperance.

Which was,

On motion,

Referred to the committee on temperance.

Mr. St. John introduced

House Bill No. 173. An act to fix the time of holding Circuit

Courts, and length of terms thereof, in the counties composing the Seventh Judicial Circuit of Indiana.

Which was read a first time, and,

On motion,

Referred to a special committee to be announced by the Speaker.

Mr. Neff offered the following resolution :

*Resolved*, That the Speaker be authorized to draw his warrant in favor of the Doorkeeper and his assistant at the rate of five dollars, and in favor of other employes, three dollars per day.

Mr. Wilson moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered, and the resolution was agreed to.

Mr. Hendry introduced

House Bill No. 174. Entitled an act declaring property, belonging to municipal corporations, of fire companies exempt from sale on execution.

Which was read a first time and,

On motion,

Referred to the committee on corporations.

Mr. Bruner introduced

House Bill No. 175. An act to authorize the formation of voluntary fire insurance associations, defining their powers, and prescribing their duties.

Which was read a first time and,

On motion,

Referred to the committee on rights and privileges.

Mr. Bruner offered the following resolution :

*Resolved*, That the doorkeeper of the House be instructed to notify the publishers of such daily papers as were ordered by this House for the use of the members thereof, to have such papers in

the postoffice of the House by eight o'clock A. M., of the day of publication.

Which was agreed to.

Mr. Deputy introduced

House Bill No. 176. Entitled an act to amend the seventh section of an act entitled "An act authorizing the assessment of lands for plank and macadamized roads."

Which was,

On motion,

Referred to the committee on roads.

Mr. Biggs introduced

House Bill No. 177. Entitled an act defining what counties shall constitute the Twenty-first Common Pleas District, and to fix the time of holding the courts therein, and repealing all laws inconsistent herewith.

Which was read a first time.

Mr. Cauthorn introduced

House Bill No. 178. An act to amend the fifty-first section of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities," etc., approved March 14, 1867.

Which was read a first time, and,

On motion,

Referred to the committee on cities and towns.

Mr. Friedley introduced

House Bill No. 179. Entitled an act to amend section four hundred and twelve, of an act entitled "An act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity,"

approved June 18, 1852, and repealing all laws inconsistent therewith.

Which was read a first time, and,

On motion,

Referred to the committee on the judiciary.

Mr. Sansberry introduced

House Bill No. 180. An act in relation to the disability of Circuit Judges, to hold and discharge the duties of their courts, and providing for the appointment of judges *pro tem*, during the disability of said judges elected.

Which was read a first time, and,

On motion,

Referred to the judiciary committee.

Mr. Sansberry presented the petition of citizens of Madison county, on the subject of temperance.

Which was,

On motion,

Referred to the committee on temperance.

Mr. Ruddell introduced

House Bill No. 181. Entitled an act to provide for the investment of the money belonging to the Sinking Fund.

Which was read a first time, and,

On motion,

Laid upon the table, and made the special order for Tuesday, January 31st, at 3 P. M.

Mr. Ruddell presented the petition of sundry citizens of Marion county, on the subject of temperance.

Which was,

On motion,

Referred to the committee on temperance.

Mr. Ruddell presented sundry claims of the Jeffersonville, Madison & Indianapolis Railroad.

Which was,

On motion,

Referred to the committee on claims.

Mr. Wilson introduced

House Bill No. 182. An act to enable cities to aid in the construction of railroads.

Which was read a first time.

Mr. Ruddell introduced

House Bill No. 183. Entitled an act authorizing cities, towns, and townships to negotiate bonds for school building purposes, and authorizing the collection of a tax for the payment of such bonds.

Which was read a first time and,

On motion,

Referred to the committee on education.

Mr. Wilson presented the claim of the People newspaper, amounting to thirty-two dollars and ninety-six cents.

Which was,

On motion,

Referred to the committee on claims.

Mr. Friedley presented the petition of certain citizens of Lawrence county asking for the enactment of a law suppressing the traffic in intoxicating liquors as a beverage, declaring such traffic criminal, with suitable provisions for the conviction and punishment of the offender.

Which was,

On motion,

Referred to the committee on temperance.

Mr. Gallentine introduced

House Bill No. 184. Entitled an act to exempt a homestead from forced sale in certain cases, and regulating proceedings under executions.

Which was read a first time and,

On motion,

Referred to the committee on rights and privileges.

Mr. Stephens introduced the following concurrent resolution:

WHEREAS, The present system of judiciary of the State of Indiana, and particularly so much of said system as provides for the settlement of matters of Probate and estates of decedent's, is expensive and inefficient; and,

WHEREAS, The best interests of the people of the State require a revision of the present system of judiciary and the abolition of the Court of Common Pleas as now established by law; and,

WHEREAS, The proper attention to the preparation of a system meeting the wants of the people in this particular can not be bestowed by any committee composed of members of this Assembly; therefore,

*Be it resolved by the House of Representatives of the State of Indiana, (the Senate concurring,) That the following three attorneys of this State, to-wit: — — — —, — — — —, and — — — —, be and are hereby appointed a commission to devise a more economical system of judiciary for the State, including the abolition of the various Courts of Common Pleas and such other inferior courts as may be necessary, and the establishment of a uniform and less expensive system of courts for the settlement of decedents' estates and matters pertaining thereto, and that said commission report a bill for that purpose to the present session of this General Assembly.*

Which was,

On motion,

Referred to the committee on the judiciary.

The Speaker laid before the House the report of the Auditor of State, embracing the reports of various county officers as to fees and salaries.

Which was,

On motion,

Referred to the committee on fees and salaries.

Leave of absence was granted Mr. Britton until Monday night.

Mr. Copner was granted leave of absence until Monday night.

Mr. Cox introduced

House Bill No. 185. Entitled an act for the relief of George L. Reiter and Maria B. Reiter.

Which was read a first time and passed to its second reading.

Mr. Major introduced

House Bill No. 186. An act to amend the first section of an act entitled "An act to enable incorporated towns to lay out, open, grade, and improve streets and alleys, and make public improvements therein, and to make surveys and adopt plats where the same have been lost or destroyed, and prescribing the duties of the Board of Trustees, and providing for the mode of working and improving streets and alleys, and declaring an emergency."

Which was read a first time and,

On motion,

Referred to the committee on corporations.

Mr. Calkins of Porter introduced

House Bill No. 187. Entitled a bill to amend sections three and ten of an act entitled "An act providing for the election and prescribing certain duties of county surveyors," approved March 5, 1852.

Which was read a first time and,

On motion,

Referred to the committee on fees and salaries.

Mr. Calkins of Porter introduced

House Bill No. 188. Entitled an act to provide for appeal in certain cases from the actions of County Boards of Equalization.

Which was read a first time and passed to its second reading.

Mr. Hynes introduced

House Bill No. 189. An act to amend an act entitled "An act to provide for a general system of common schools, the officers thereof and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named,



and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed."

Which was read a first time and,

On motion,

Referred to the judiciary committee.

Mr. Hynes introduced

House Bill No. 190. An act to amend an act entitled "An act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto," approved March 5, 1859.

Which was read a first time and,

On motion,

Referred to the committee on county and township business.

Mr. Martin of Putnam presented the petition of sundry citizens on the subject of prison reform.

Which was,

On motion,

Referred to the committee on benevolent and scientific institutions.

Also, a petition on the subject of divorce laws.

Which was,

On motion,

Referred to the committee on rights and privileges.

Mr. Martin of Putnam offered the following resolution:

*Resolved*, That the committee on printing be and are hereby instructed to inquire into and investigate the manner in which charges for printing have heretofore been made, and the rule or rules for the measurement of said work, and to report, if, in their judgment, it is expedient, such rules and regulations in the payment of said bills as may be conducive to the public interests, and to

report by bill or otherwise; that in said investigation said committee have power to send for persons and papers.

Which was read and,

On motion,

Referred to the committee on public printing.

Mr. Stone introduced

House Bill No. 191. An act supplementary to an act regulating prosecutions in cases of bastardy, and providing for the support of illegitimate children, approved May 6th, 1852.

Which was read a first time and,

On motion,

Referred to the committee on the judiciary.

Mr. Hartley offered the following resolution :

*Resolved*, That the committee on elections be instructed to inquire into the expediency of so changing the election laws that the township officers shall be elected every two years in the month of April, and report by bill or otherwise.

Which was,

On motion,

Referred to the committee on elections.

Mr. Kennedy presented the petition of certain citizens of the State asking for the enactment of laws on the subject of prison reform.

Which was,

On motion,

Referred to the committee on benevolent institutions.

Mr. Kennedy introduced

House Bill No. 192. An act vacating streets and alleys when not used for twenty years.

Which was read a first time and,

On motion,

Referred to the committee on cities and towns.

Mr. Kennedy introduced

House Bill No. 193. An act to amend an act supplemental to an act to provide for the opening, vacating, and changing of highways, approved March 9, 1861.

Which was read a first time and,

On motion,

Referred to the committee on county and township business.

Mr. Miles introduced

House Bill No. 194. Entitled an act to amend section seven of an act entitled "An act repealing sections two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, nineteen, twenty-one, and twenty-two of an act entitled 'An act to provide for the registry of voters, and to declare their residence, and to punish fraudulent practices touching elections, and defining the duties of certain officers therein named, and the form of the ballots, and providing compensation for services of such officers,' approved March 11, 1869, and prescribing further duties of the officers of elections, and providing for the appointment of the necessary officers and clerks for holding such elections," approved May 13th, 1869.

Which was read a first time and,

On motion,

Referred to the committee on elections.

Mr. Hartley offered the following resolution:

*Resolved*, That when this House adjourn it adjourn to meet on Monday, the 30th instant, at 2 o'clock, P. M.; and,

*Be it further resolved*, That persons who are unable to return at that time be considered to have leave of absence until Tuesday, the 31st.

Mr. McDonald moved to lay the resolution on the table.

Which was agreed to.

Mr. Oatley offered the following resolution:

*Resolved*, That the committee on county and township business

be requested to consider the propriety of introducing a bill reducing the number of justices of the peace to one in each township in the State, and also to reduce the number of constables to one in each township in the State.

Which was read and,

On motion,

Referred to the committee on judiciary.

Leaves of absence were granted to Messrs. Wymer and Gordon of Cass until Monday.

The Speaker presented the petition of three hundred German citizens of Vigo county asking that sheriff sales be printed in the German language.

When,

On motion of Mr. Browning,

The House adjourned.

## FRIDAY MORNING.

JANUARY 27, 1871, 9 O'CLOCK.

The House met.

Prayer by the Rev. Thomas W. Lynch.

Mr. Simpson moved a call of the House.

Which was agreed to.

Whereupon, the Clerk proceeded to call the roll.

*Those who answered to their names were, Messrs.*

Browning,	Hynes,	Ruddell,
Bruner,	Kennedy,	Sabin,
Butterworth,	King,	Sansberry,
Calkins of Fulton,	Kirkpatrick,	Sayers,
Cauthorn,	Knight,	Simpson,
Coggsell,	Lines,	Schoenemann,
Conner,	Logan,	Shutt,
Cox,	Major,	Snodgrass,
Cunningham,	Martin of Putnam,	Stanley,
Curtis,	McDowell,	Stephens,
Davidson,	McFarland,	Stephenson,
Devol,	Minick,	St. John,
Donham,	Miles,	Stone,
Friedly,	Millikan,	Tarlton,
Gallentine,	Monroe,	Taughinbaugh,
Gentry,	Montgomery,	Walker,
Gordon of Boone,	Myers,	Washburn,
Hardin,	Neff,	White,
Hartley,	Netherton,	Wilson,
Hawley,	Ray,	Wood,
Haynes,	Rawles,	Woodward,
Heilman,	Rhodes,	Zenor,
Hendry,	Rice,	Mr. Speaker—71.
Hill,		

A quorum being present, further proceedings under the call were dispensed with.

The journal of yesterday was read in part, when,  
On motion of Mr. Zenor,  
The further reading was dispensed with.

Mr. Sabin presented the petition of sundry citizens on the subject of prison reform.

Which was,  
On motion,  
Referred to the committee on benevolent and scientific institutions.

Mr. Sabin presented a petition on the subject of female suffrage.

Which was,  
On motion,  
Referred to the committee on rights and privileges.

Mr. Henderson presented the petition of sundry citizens of St. Joseph county praying the repeal of the law authorizing the construction of dikes, drains, etc.

Which was,  
On motion,  
Referred to the committee on levees and drains.

Mr. Henderson presented the petition of sundry citizens of St. Joseph county praying a modification of the divorce laws.

Which was,  
On motion,  
Referred to the committee on rights and privileges.

Mr. Netherton introduced

House Bill No. 195. An act entitled an act to amend sections thirty-four and thirty-five of an act to provide for a general system of common schools for the State of Indiana, with provisions therefor, as approved March 6, 1865.

Which was read a first time and,  
On motion,  
Referred to the committee on education.

Mr. Holland presented sundry petitions of the citizens of Vevay on the subject of temperance.

Which were,

On motion,

Referred to the committee on temperance.

Leave of absence was granted to Mr. Warrum until Monday.

Mr. Conner offered the following resolution :

*Resolved*, That a select committee of one from each Congressional District be appointed by the Speaker with instructions to report at their earliest convenience a bill to regulate the appraisement and assessment of railroads.

Which was agreed to.

Mr. Heilman offered the following resolution :

*Resolved*, That during the sitting of the present session of this House, the Doorkeeper be and is hereby instructed to contract for and have placed upon the desk of each member, wrapped and stamped, six copies of each of the following German weekly newspapers, and that this resolution shall receive immediate attention : Weekly Volksblatt and Weekly Sunday Post.

Mr. Stephenson moved to lay the resolution on the table.

Which was not agreed to.

Mr. Sansberry offered the following amendment :

To amend by dispensing with all papers.

Which was not agreed to.

The question recurring on the original resolution,

The ayes and noes were demanded by Messrs. Neff and Browning.

*Those who voted in the affirmative were, Messrs.*

Barnaby,  
Beeler,  
Browning,

Bruner,  
Caldwell,  
Calkins of Fulton,

Calkins of Porter,  
Cauthorn,  
Conner,

Cox,	King,	Shutt,
Cunningham,	Kirkpatrick,	Snodgrass,
Curtis,	Logan,	Stanley,
Davidson,	Major,	Stephens,
Deputy,	Martin of Putnam,	Tarlton,
Friedley,	McFarland,	Taughinbaugh,
Gallentine,	McGowan,	Taylor,
Gentry,	Minick,	Tebbs,
Goble,	Miles,	Walker,
Gordon of Boone,	Monroe,	Washburn,
Hardin,	Neff,	White,
Hartley,	Netherton,	Williams,
Hawley,	Rawles,	Wilson,
Haynes,	Rhodes,	Wood,
Hill,	Rice,	Woodward,
Hooker,	Ruddell,	Zenor,
Hynes,	Simpson,	Mr. Speaker—62.
Kennedy,	Schoenemann,	

*Those who voted in the negative were, Messrs.*

Butterworth,	Lines,	Sansberry,
Cogswell,	McDowell,	Sayers,
Devol,	Millikan,	Stephenson,
Donham,	Montgomery,	St. John,
Hendry,	Myers,	Stone—17.
Knight,	Sabin,	

So the resolution was adopted.

Mr. Butterworth moved to reconsider the vote just taken, and that the same be laid on the table.

Which was agreed to.

Mr. Heilman introduced

House Bill No. 196. Entitled an act to amend an act approved January 27, 1847, entitled "An act granting to the citizens of the town of Evansville, in the county of Vanderburg, a city charter," by adding a supplemental section thereto.

Which was read a first time.



Mr. Hooker presented a petition of sundry citizens praying that some legislation for the purpose of inducing immigration to this State be made by this General Assembly.

Which was,

On motion,

Referred to the committee on statistics and immigration.

Mr. White introduced

House Bill No. 197. An act to amend section eight of an act providing for the election and prescribing certain duties of county surveyors.

Which was read a first time and,

On motion,

Referred to the judiciary committee.

Mr. White introduced

House Bill No. 198. Entitled an act amending section two of an act approved March 11, 1861, amending section ten of an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers, and duties in civil cases, approved June 9, 1852, and repealing subdivision first of section seventy of an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers, and duties in civil cases, approved June 9, 1852.

Which was read a first time and,

On motion,

Referred to the committee on the organization of courts.

Mr. Knight introduced

House Bill No. 199. An act to amend section twenty of an act entitled "An act providing for the election or appointment of supervisors of highways, etc."

Which was read a first time and,

On motion,

Referred to the committee on county and township business.

Mr. Rhodes introduced

House Bill No. 200. Entitled an act to amend section six of the Practice Act.

Which was read a first time and,

On motion,

Referred to the judiciary committee.

Mr. Rhodes introduced

House Bill No. 201. Entitled an act authorizing township trustees to make surveys of highways in certain cases, providing the mode of compensation therefor, and authorizing said officers to keep such highways free from obstructions, and declaring an emergency.

Which was read a first time, and,

On motion,

Referred to the committee on county and township business.

Mr. McDowell introduced

House Bill No. 202. Entitled an act to amend the charter of the town of Bluffton.

Which was read a first time, and,

On motion,

Referred to the committee on corporations.

The Speaker laid before the House the following reports from His Excellency, the Governor :

Report of Governor Baker on the Reformatory Institutions, etc.

Report of the Board of Trustees of the State Normal School.

Report of the Adjutant General of the State of Indiana.

A report of the proceedings of the Common Council of the city of Michigan City, on the subject of the improvement of the harbor of Michigan City, at a regular meeting of said Council, requesting the General Assembly to take the proper action to instruct the Senators and Representatives in Congress, from the State of Indiana, to secure a further appropriation for said harbor.

Mr. Minick presented the petition of sundry citizens of Worthington, on the subject of temperance.

Which was,

On motion,

Referred to the committee on temperance.

Mr. Defrees offered the following resolution :

*Resolved*, That the committee on benevolent and scientific institutions be requested to report a bill, making provisions for the erection of suitable buildings for the care of the incurable insane of the State.

Which was,

On motion,

Referred to the committee on benevolent institutions.

Mr. Ruddell introduced the following concurrent resolution :

WHEREAS, The subject of the removal of the National Capital from its present place to some more central and appropriate location, is now claiming public attention ; and,

WHEREAS, The importance of the subject demands the gravest consideration by the people of all the States of the Union, and it is deemed in the highest degree important, that immediate action should be taken thereon to prevent any useless expenditures of public funds on the present Capitol until the question of relocation is finally and forever settled ; therefore,

*Be it Resolved by the House of Representatives*, (the Senate concurring therein,) That our Senators and Representatives in the Congress of the United States, be and they are hereby instructed to vote against all future appropriations and expenditures of the public moneys to be applied and disbursed for improvements of the National Capitol in its present location.

*Resolved*, That considering the fact of the territorial extent, fertility of soil, and growth of the population in the great basin of the Mississippi Valley, it is but right and proper that the National Capital, in order that it may subserve the great national purposes of its existence, should be located centrally therein.

*Resolved*, That our Senators and Representatives in the Congress of the United States, be and are hereby instructed to press this matter upon the attention of Congress, and to use all proper and legitimate means to effectuate the removal of the Capital from its present location to where it will have centrality as to population, territory, wealth, political power, national resources, and internal trade and commerce.

Mr. Stone moved to lay the resolution on the table.

On which, the ayes and noes were demanded by Messrs. Ruddell, and Henderson.

*Those who voted in the affirmative were, Messrs.*

Barnaby,	Curtis,	McDowell,
Browning,	Gallentine,	Minick,
Butterworth,	Gentry,	Miles,
Caldwell,	Goble,	Sayers,
Cauthorn,	Holland,	Stephenson,
Coggsell,	Lines,	Stone,
Conner,	Logan,	Zenor—22.
Cox,		

*Those who voted in the negative were, Messrs.*

Beeler,	Hill,	Rawles,
Bruner,	Hooker,	Rhodes,
Calkins of Fulton,	Hynes,	Rice,
Calkins of Porter,	Kennedy,	Ruddell,
Cunningham,	King,	Sabin,
Davidson,	Kirkpatrick,	Sansberry,
Devol,	Major,	Simpson,
Donham,	Martin of Putnam,	Schoeneman,
Friedley,	McFarland,	Shutt,
Gordon of Boone,	McGowan,	Snodgrass,
Hartley,	Millikan,	Stanley,
Hawley,	Monroe,	Stephens,
Haynes,	Montgomery,	St. John,
Heilman,	Myers,	Tarleton,
Henderson,	Netherton,	Trughinbaugh,
Hendry,	Ray,	Taylor,

Tebbs,	White,	Wood,
Walker,	Williams,	Woodward,
Washburn,	Wilson,	Mr. Speaker—58.

So the motion to lay on the table did not prevail.

Mr. Ruddell moved that the resolution be made the special order for Friday, February 3, at 2½ o'clock P. M.

Which was agreed to.

Leave of absence were granted to Messrs. Butterworth, and Henderson, until next Tuesday.

Leave of absence was granted Mr. Calkins of Porter, until next Monday.

#### BILLS AND RESOLUTIONS FROM THE SENATE ON THEIR SECOND READING.

*Resolved by the Senate*, (the House of Representatives concurring,) That our Senators and Representatives in Congress are hereby requested to vote and use their influence to have the tariff act so modified, as to place the prime articles of necessity, including tea, coffee, sugar and salt on the free list.

*Resolved*, That the Governor is hereby requested to forward a copy of this resolution to each of our Senators and Representatives in Congress.

Mr. Calkins of Porter offered the following amendment:

Amend by inserting in the proper place that (the articles named) be placed upon the free list, as soon as the necessities of the government will admit, without embarrassing the payment of our indebtedness.

Mr. Holland offered the following amendment to the amendment:

Amend by inserting in the proper place, "Add to free list, pig iron, sole leather, and all other articles of prime necessity."

Mr. Martin of Putnam moved to lay the whole subject on the table.

Which was agreed to.

Mr. Simpson moved to reconsider the vote just taken.

Mr. Kennedy moved to lay the motion to reconsider on the table.

On which the ayes and noes were demanded by Messrs. McGowan and Zenor.

*Those who voted in the affirmative were, Messrs.*

Beeler,	King,	Sabin,
Butterworth,	Kirkpatrick,	Sayers,
Calkins of Fulton,	Knight,	Schoenemann,
Calkins of Porter,	Lines,	Snodgrass,
Conner,	Major,	Stephenson,
Deputy,	Millikan,	St. John,
Devol,	Monroe,	Stone,
Friedley,	Myers,	Washburn,
Hartley,	Netherton,	White,
Heilman,	Ray,	Williams,
Hill,	Rawles,	Wilson,
Hooker,	Rhodes,	Woodward—38.
Kennedy,	Ruddell,	

*Those who voted in the negative were, Messrs.*

Barnaby,	Hardin,	Neff,
Browning,	Hawley,	Rice,
Bruner,	Haynes,	Sansberry,
Caldwell,	Henderson,	Simpson,
Cauthorn,	Hendry,	Shutt,
Cogswell,	Holland,	Stanley,
Cox,	Hynes,	Stephens,
Cunningham,	Logan,	Tarlton,
Curtis,	Martin of Putnam,	Taughinbaugh,
Davidson,	McDowell,	Taylor,
Donham,	McFarland,	Tebbs,
Gallentine,	McGowan,	Wood,
Gentry,	Minick,	Zenor,
Goble,	Miles,	Mr. Speaker—44.
Gordon of Boone,	Montgomery,	

So the motion to lay on the table was lost.

The question recurring on the motion to reconsider.

The ayes and noes were demanded by Messrs. Cox and Zenor.

*Those who voted in the affirmative were, Messrs.*

Barnaby,	Gordon of Boone,	Neff,
Browning,	Hardin,	Rice,
Bruner,	Hartley,	Sansberry,
Caldwell,	Hawley,	Simpson,
Cauthorn,	Haynes,	Shutt,
Coggsell,	Holland,	Stanley,
Conner,	Hynes,	Stephens,
Cox,	Logan,	Stone,
Cunningham,	Martin of Putnam,	Tarleton,
Curtis,	McDowell,	Taughinbaugh,
Davidson,	McFarland,	Taylor,
Donham,	McGowan,	Tebbs,
Gallentine,	Minick,	Zenor,
Gentry,	Miles,	Mr. Speaker—44.
Goble,	Montgomery,	

*Those who voted in the negative were, Messrs.*

Beeler,	Knight,	Sayers,
Calkins of Porter,	Lines,	Schoenemann,
Deputy,	Major,	Snodgrass,
Devol,	Millikan,	Stephenson,
Friedley,	Monroe,	St. John,
Heilman,	Myers,	Washburn,
Hendry,	Netherton,	White,
Hill,	Rawles,	Williams,
Hooker,	Rhodes,	Wilson,
Kennedy,	Ruddell,	Wood,
King,	Sabin,	Woodward—34.
Kirkpatrick,		

So the motion to reconsider was agreed to.

Mr. Holland, by the consent of the House, withdrew his amendment.

Leave of absence was granted Mr. Shutt until Monday.

A message from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the House concurrent resolution, providing for "the printing of eight thousand of His Excellency, Gov. Baker's message, fifteen hundred copies of which shall be printed in the German language; that one thousand copies of said message shall be delivered to the Governor for his own use, and the remainder to be distributed *pro rata* to the members of the General Assembly for circulation, and that there be printed with said message, the letter of the Governor to Messrs. Hendricks, Hord & Hendricks, on the subject of certain internal improvement bonds, and their able reply to the same," with this amendment thereto, to wit: that instead of fifteen hundred copies of said message being printed in the German language, two thousand copies thereof be printed, in which amendment the concurrence of the House is requested.

Mr. Williams moved that the House concur in the resolution.

Which was agreed to.

Mr. Browning offered the following resolution:

*Resolved*, That when this House adjourn, it be until Monday next, at two o'clock P. M.

Mr. Neff moved to lay the resolution on the table.

Which was agreed to; when,

On motion of Mr. Williams,  
The House adjourned.

FRIDAY, JANUARY 27, 1871, 2 O'CLOCK P. M.

The House met.

Mr. Neff moved that Mr. Browning take the chair.

Which was agreed to.



Mr. Hardin offered the following resolution :

*Resolved*, That the doorkeeper provide a three gallon vessel filled with water for each stove in the Hall of the House to be placed and maintained thereon.

Which was agreed to.

By the unanimous consent of the House, Mr. Williams was allowed to record his vote in the affirmative, on Senate Joint Resolution No. 1, providing for an amendment to the Constitution on the subject of the debt charged upon the Wabash and Erie Canal.

The business pending at adjournment, being the consideration of the Senate concurrent resolution in relation to the present tariff law.

Mr. Calkins of Fulton moved to postpone the whole matter until Thursday next, at 2½ o'clock P. M., and that it be made the special order for that hour.

Which was agreed to.

Mr. Neff moved to suspend the regular order of business for the purpose of receiving reports from standing committees.

Which was agreed to.

#### REPORTS FROM STANDING COMMITTEES.

Mr. McDowell, from the committee on elections, submitted the following report :

MR. SPEAKER :

The committee on elections have instructed me to report the accompanying bill, regulating general elections, and unanimously recommend its passage.

Which was concurred in.

By the consent of the House, the committee on elections introduced House Bill No. 203, entitled an act regulating general and special elections, and prescribing the duties of officers in relation

thereto, and for the punishment of such officers for the neglect of their duty, and repealing all laws respecting general elections.

Which was read a first time.

Mr. Cox, from the committee on elections, submitted the following report:

MR. SPEAKER:

The committee on elections have instructed me to make the following report:

The committee on elections to whom was referred House Bill No. 194, have had the same under advisement, and would recommend that it lie on the table.

Which was concurred in.

Mr. Barnaby, from the committee on elections, submitted the following report:

The committee on elections, to whom was referred House Bill No. 110, have had the same under advisement, and recommend that it lie on the table.

Which was concurred in.

Mr. Caldwell, from the committee on elections, submitted the following report:

MR. SPEAKER:

The committee on elections have instructed me to make the following report:

The committee on elections, to whom was referred House Bill No. 87, have had the same under consideration, and would recommend that it lie on the table.

Which was concurred in.

Mr. McDowell submitted the following report:

MR. SPEAKER:

The committee on elections have instructed me to make the following report:

The committee on elections, to whom was referred House Bill No. 70, would report that they have had the same under advisement, and would recommend that said bill lie on the table.

Which report was concurred in.

Mr. Sabin, from the committee on elections, submitted the following report:

MR. SPEAKER:

The committee on elections, to whom was referred House Bill No. 51, have had the same under consideration, and would recommend that it lie on the table.

Which was concurred in.

Mr. McDowell, from the committee on elections, submitted the following report:

MR. SPEAKER:

The committee on elections, to whom was referred House Resolution No. 55, directing said committee to inquire into the expediency of so changing the election laws that the township officers shall be elected every two years, in the month of April, have had the same under consideration, and instruct me to report that they do not deem it expedient to hold said elections at said time.

All of which is respectfully submitted.

Which report was concurred in.

Mr. White, from the committee on elections, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House Bill No. 36, have had the same under consideration, and direct me herewith to return the same to the House, with the recommendation that said bill lie on the table.

Which was concurred in.

Mr. McDonald, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House Bill No. 189, entitled "An act to amend an act entitled 'An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed,'" beg leave to report the same back, with the recommendation that it be referred to the committee on education.

Which was concurred in.

Mr. McDonald, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House Bill No. 152, entitled "An act authorizing the issuing of a *subpoena duces tecum* for certain officers, and requiring them in certain cases to produce original records, bonds, and other instruments in evidence," have had the same under consideration, and beg leave to report the same back, with the recommendation that it pass.

Which report was concurred in.

Mr. McDonald, from the judiciary committee, submitted the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House Bill No. 129, entitled "An act to amend an act to amend sections one and three of an act entitled 'An act to provide for the relocation of county seats, and for the erection of public buildings in counties in case of such relocation,' approved March 2, 1855, and to amend section one of an act amendatory of said act, approved December 18, 1865, and to provide for the appointment of commissioners," approved February 24, 1869, have had the same under consideration, and beg leave to report the same back, with the recommendation that it pass.

Which was concurred in.

Mr. Friedley, from the judiciary committee, submitted the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House Bill No. 191, entitled "An act supplementary to an act regulating prosecutions in cases of bastardy, and providing for the support of illegitimate children," approved May 6, 1852, have had the same under consideration, and beg leave to report the same back, with the recommendation that it pass, with the following amendment: Strike out sections number two and five of said bill.

Which report was concurred in.

Mr. McDonald, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House Bill No. 170, entitled "An act to amend section eighteen of an act entitled 'An act concerning the partition of lands,' approved May 2d, 1852," have had the same under consideration, and beg leave to report the same back, with the recommendation that it pass.

Which report was concurred in.

Mr. Calkins of Fulton, from the judiciary committee, submitted the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House Bill No. 172, entitled "An act to amend an act entitled 'An act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity,' approved June 18, 1852, being supplemental thereto," have had the same under consideration, and beg leave to report the same back, with the recommendation that the same pass.

Which was concurred in.

Mr. St. John, from the judiciary committee, submitted the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House Bill No. 180, entitled "An act, relative to the disability of circuit judges to hold and discharge the duties of their offices, and providing for the appointment of judges *pro tem.* during the disability of said judge," have had the same under consideration, and beg leave to report the same back, with the recommendation that it pass.

Which report was accepted.

The Speaker announced the following special committee on House Bill No. 173:

Messrs. St. John, Millikan, Snodgrass, Lines, and Warrum.

Mr. Caldwell, from the committee on swamp lands, submitted the following report:

MR. SPEAKER:

The committee on swamp lands, to whom was referred House Bill No. 23, to repeal the law authorizing the construction of drains, etc., have had the same under advisement, and would report back said bill, with the following amendment:

SEC. 2. Any company or corporation, where proposed line is under twenty miles in length, and who have given bond, as required by law, for the faithful application of all moneys which may come into their hands, and who have organized under the provisions of this act, in good faith, shall have all the rights which they have acquired under the said act, hereby repealed, saved to them, and for the purpose of carrying out the purposes for which they were organized, and all suits pending, and assessments made, or hereafter made by such companies, shall not be affected by the repeal of the said act, as herein provided.

And when the same is so amended, the committee would recommend its passage.

Which report was concurred in.

Mr. Zenor, from the committee on county and township business, submitted the following report :

MR. SPEAKER :

Your committee, to whom was referred House Bill No. 18, have had the same under consideration, and report it back with the recommendation that it be indefinitely postponed.

Which was concurred in.

Mr. Zenor, from the committee on claims, submitted the following report :

MR. SPEAKER :

The committee on claims, to whom was referred the bill of the Indianapolis Gas Light and Coke Company, for \$26.40 for erecting lamp posts and fixtures, having had the same under consideration, the committee recommend that the bill be not allowed.

Which report was concurred in.

Mr. Hartley, from the committee on claims, submitted the following report :

MR. SPEAKER :

The committee on claims, to whom was referred the claim of T. Horton, for one thousand dollars compensation ; the same having been duly considered by the committee, recommend the same be not allowed.

Which report was concurred in.

Mr. Browning, from the committee on claims, submitted the following report :

MR. SPEAKER :

Your committee on claims, to whom was referred House Bill No. 2, wherein S. W. Palmer, Sheriff of St. Joseph county, Indiana, claims three hundred dollars for the arrest of three prisoners who

escaped from jail in said county ; have had the same under consideration, and recommend that the same be not allowed.

Which report was concurred in.

Mr. Tebbs, from the committee on claims, submitted the following report :

MR. SPEAKER :

Your committee, to whom was referred House Bill No. 122 ; an act to appropriate \$250 for the distribution of the report of the Superintendent of Public Instruction ; have had the same under consideration and recommend its passage.

Which was concurred in.

Mr. Haynes, from the committee on rights and privileges, submitted the following report :

MR. SPEAKER :

Your committee, to whom was referred House Bill No. 134, have had the same under consideration, and recommend its passage.

Which was concurred in.

Mr. Haynes, from the committee on rights and privileges, submitted the following report :

MR. SPEAKER :

Your committee, to whom was referred House Bill No. 134, have had the same under consideration, and recommend its passage.

Which was concurred in.

Mr. Haynes, from the committee on rights and privileges submitted the following report :

MR. SPEAKER :

The committee on rights and privileges have had under consideration House Bill No. 142, and recommend the passage of the same.

Which report was concurred in.



Mr. Haynes, from the committee on rights and privileges, submitted the following report.

MR. SPEAKER:

The committee on rights and privileges to whom was referred House Resolution No. 26, have had the same under consideration, and recommend its adoption.

Which report was concurred in.

Mr. Zenor, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House Bill No. 18, entitled an act to repeal section two of an act to provide for the registry of voters, have had the same under consideration, and recommend that it lie on the table.

Which was concurred in.

Mr. Zenor, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

The committee on county and township business, to whom was referred House Bill No. 131, have had the same under advisement, and have directed me to report the same back with the recommendation that it pass.

Which report was concurred in.

Mr. Bruner, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

The committee on county and township business, to whom was referred House Bill No. 101, have had the same under consideration and have directed me to report the same back and recommend its passage.

Which was accepted.

Mr. Zenor, from the committee on county and township business, made the following report:

MR. SPEAKER:

The committee on county and township business, to whom was referred House Bill No. 143, entitled "An act to provide for temporary poor persons of each township of the State, and prescribing the duties of township trustees in relation thereto, and repealing all laws inconsistent therewith," have had the same under consideration, and have directed me to report the same back to the House with the recommendation that the same be laid on the table.

Which report was concurred in.

Mr. Donham, from the committee on agriculture, made the following report:

MR. SPEAKER:

The committee on agriculture, to whom was referred House Bill No. 9, entitled "An act to repeal the dog law," have had the same under consideration, and have directed me to report the same back, and recommend that said bill be passed.

Which was accepted.

Mr. Cauthorn, from the committee on corporations, submitted the following report:

MR. SPEAKER:

The committee on corporations have directed me to report back House Bill No. 43, "A bill to provide for the holding of Roman Catholic churches, cemeteries, colleges, and other property," and recommend its passage.

Which report was concurred in.

Mr. Neff, from the committee on corporations, submitted the following report:

MR. SPEAKER:

The committee on corporations have directed me to report back

House Bill No. 145, entitled "An act to amend the eighth section of an act entitled 'an act to enable trustees to receive donations and convey the same for the use of schools, churches, religious societies, Masonic and Odd Fellows' Lodges, Sons and Daughters of Temperance, and for the construction of cemeteries, houses of worship, and other buildings therein mentioned,' approved June 17, 1852," and recommend that it lie on the table.

Which report was concurred in.

Mr. Neff, from the committee on corporations, submitted the following report :

MR. SPEAKER :

Your committee, to whom was referred House Bill No. 138, entitled "An act to amend sections two and three of an act entitled 'an act to incorporate the Indianapolis Gas Light and Coke Company,' approved February 12, 1851," have had the same under consideration, and recommend its passage.

Which was concurred in.

Mr. Neff, from the committee on corporations, submitted the following report :

MR. SPEAKER :

The committee on corporations have directed me to report back House Bill No. 29, entitled "An act repealing sections three and four of an act entitled 'an act authorizing voluntary associations formed under an act concerning the organization of voluntary associations, and repealing former laws in reference thereto, approved February, 1855, to acquire title to lands that have heretofore been used for burial purposes, and to acquire additional adjoining lands for burial purposes, and declaring an emergency," and recommend that it lie on the table. The committee are of the opinion that the present law is sufficient.

Which was concurred in.

Mr. Heilman moved that when this House adjourn, it adjourn to meet on Monday next at 2 P. M.

On which the ayes and noes were demanded by Mr. Neff and ten other members.

*Those who voted in the affirmative were, Messrs.*

Beeler,	Holland,	Ruddell,
Browning,	Hooker,	Sabin,
Caldwell,	Kennedy,	Sansberry,
Calkins of Fulton,	King,	Sayers,
Calkins of Porter,	Kirkpatrick,	Schoenemann,
Deputy,	Knight,	Snodgrass,
Gordon of Boone,	McDowell,	St. John,
Hartley,	McFarland,	Tarlton,
Hawley,	McGowan,	Walker,
Haynes,	Minick,	Washburn,
Heilman,	Millikan,	Wood,
Hendry,	Rhodes,	Mr. Speaker—38.
Hill,		

*Those who voted in the negative were, Messrs.*

Barnaby,	Goble,	Rice,
Bruner,	Hardin,	Stanley,
Cauthorn,	Hynes,	Stephens,
Coggsell,	Lines,	Stephenson,
Conner,	Logan,	Stone,
Cox,	Major,	Taughinbaugh,
Cunningham,	Martin of Putnam,	Tebbs,
Curtis,	Monroe,	Wilson,
Devol,	Myers,	Woodward,
Friedley,	Neff,	Zenor,
Gallentine,	Netherton,	Mr. Speaker—34.
Gentry,	Rawles,	

So the motion was agreed to.

When,

On motion of Mr. Zenor,  
The House adjourned.

## MONDAY AFTERNOON.

JANUARY 30, 1871, 2 O'CLOCK.

The House met pursuant to adjournment.

Prayer by the Rev. W. B. Stephenson.

The Journal of Friday was read in part, when,

On motion of Mr. Abbett,

The further reading was dispensed with.

BILLS AND RESOLUTIONS FROM THE SENATE ON THEIR FIRST  
READING.

Senate Joint Resolution No. 6. Entitled a joint resolution for the adjustment and collection of claims in favor of the State of Indiana.

Which was read a first time and,

On motion,

Referred to the committee on expenditures.

ENGROSSED HOUSE BILLS ON THEIR THIRD READING.

Engrossed House Bill No. 119. Entitled an act to regulate the dispensing and retailing of drugs, medicines, and chemicals.

Which was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Gordon of Boone,	Tebbs,	Washburn—4.
Gordon of Cass,		

*Those who voted in the negative were, Messrs.*

Abbett,	Ballenger,	Barnaby,
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Beeler,	Hendry,	Ray,
Biggs,	Hill,	Rawles,
Browning,	Holland,	Rhodes,
Bruner,	Hooker,	Rice,
Caldwell,	Hynes,	Sabin,
Calkins of Fulton,	Kennedy,	Simpson,
Coggsell,	King,	Schoenemann,
Conner,	Kirkpatrick,	Stanley,
Cox,	Lines,	Stephens,
Cunningham,	Major,	Stephenson,
Curtis,	Martin of Wayne,	St. John,
Davidson,	Martin of Putnam,	Stone,
Defrees,	McDonald,	Strickland,
Deputy,	McDowell,	Tarleton,
Devol,	McGowan,	Taughinbaugh,
Donham,	Minick,	Taylor,
Friedley,	Monroe,	Warrum,
Furnas,	Myers,	Williams,
Gallentine,	Neff,	Wilson,
Gentry,	Netherton,	Wymer,
Hardin,	Oatley,	Mr. Speaker—66.

So the bill failed to pass.

Engrossed House Bill No. 72. Entitled an act to amend the sixteenth section of chapter 6th of an act entitled "An act concerning promissory notes, bills of exchange, bonds, or other instruments in writing signed by any person who promises to pay money or acknowledges money to be due, or for the delivery of a specific article, or to convey property, or to perform any stipulation therein mentioned, and repealing all laws coming in conflict therewith," approved March 11, 1861, with an emergency clause.

Which was read a third time.

Mr. Sansberry moved to recommit the bill to the committee, with instructions to amend so as to make the provisions of the bill apply only to notes given for patent rights.

Which was not agreed to.

The question recurring on the passage of the bill.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Hardin,	Ray,
Ballenger,	Hendry,	Rawles,
Barnaby,	Hill,	Rhodes,
Biggs,	Holland,	Rice,
Browning,	Hooker,	Sabin,
Bruner,	Hynes,	Simpson,
Caldwell,	Kennedy,	Schoenemann,
Calkins of Fulton,	King,	Snodgrass,
Cogswell,	Kirkpatrick,	Stanley,
Conner,	Lines,	Stephens,
Cox,	Major,	St. John,
Cunningham,	Martin of Wayne,	Stone,
Curtis,	Martin of Putnam,	Strickland,
Davidson,	McDonald,	Tarlton,
Defrees,	McDowell,	Taughinbaugh,
Deputy,	McGowan,	Tebbs,
Devol,	Minick,	Washburn,
Donham,	Monroe,	Warrum,
Friedley,	Myers,	Wilson,
Furnas,	Neff,	Williams,
Gallentine,	Netherton,	Wymer,
Gentry,	Oatley,	Mr. Speaker—67.
Gordon of Cass,		

*Those who voted in the negative were, Messrs.*

Beeler,	Sansberry,	Taylor—5.
Ruddell,	Stephenson,	

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Clerk inform the Senate of the passage of the bill.

Mr. Stephens, from the committee on engrossed bills, submitted the following report :

MR. SPEAKER:

Your committee on engrossed bills, have carefully compared Engrossed House Bills No. 9 and 23, with the original thereof, and find them correctly engrossed.

Which report was concurred in.

Engrossed House Bill No. 79. Entitled an act to extend the time for the completion of certain railroads, and to legalize the acts of their boards of Directors.

Which was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Hardin,	Rhodes,
Barnaby,	Hendry,	Rice,
Beeler,	Hooker,	Sansberry,
Biggs,	Hynes,	Schoenemann,
Browning,	Kirkpatrick,	Stanley,
Bruner,	Lines,	Stephens,
Caldwell,	Major,	St. John,
Calkins of Fulton,	Martin of Wayne,	Stone,
Coggsell,	Martin of Putnam,	Strickland,
Conner,	McDonald,	Tarleton,
Cox,	McDowell,	Taughinbaugh,
Cunningham,	McGowan,	Taylor,
Curtis,	Minick,	Washburn,
Defrees,	Monroe,	Warrum,
Devol,	Myers,	Williams,
Donham,	Netherton,	Wilson,
Friedly,	Oatley,	Wymer,
Galentine,	Ray,	Mr. Speaker—55.
Gordon of Cass,	Rawles,	

*Those who voted in the negative were, Messrs.*

Deputy,	Holland,	Kennedy,
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King,  
Neff,

Sabin,  
Snodgrass,

Stephenson—8.

No quorum voting.

Mr. Wilson moved that the House do now adjourn.

Which was agreed to.

## TUESDAY MORNING.

JANUARY 31, 1871, 9 O'CLOCK.

The House met.

Prayer by the Rev. R. N. McKaig, of Anderson.

The Journal of yesterday was read and approved.

## ENGROSSED HOUSE BILLS ON THEIR THIRD READING.

Engrossed House Bill No. 99. Entitled an act to regulate the sale of alcoholic liquors, drugs, and poisons.

Which was read a third time.

Mr. Major moved to recommit the bill to the committee, with instructions to consider certain amendments.

Mr. Neff moved to lay the motion on the table.

Which was agreed to.

The question recurring on the passage of the bill.

*Those who voted in the affirmative were, Messrs.*

Britton,	Kirkpatrick,	St. John,
Browning,	Knight,	Stone,
Calkins of Fulton,	Lines,	Strickland,
Curtis,	Minick,	Taylor,
Deputy,	Millikan,	Tebbs,
Friedley,	Monroe,	Walker,
Furnas,	Netherton,	Washburn,
Gordon of Boone,	Rawles,	Warrum,
Gordon of Cass,	Rhodes,	White,
Guthrie,	Sabin,	Williams,
Haynes,	Sansberry,	Woodward,
Kennedy,	Stanley,	Wymer—37.
King,		

*Those who voted in the negative were, Messrs.*

Abbett,	Goble,	Mitchell,
Ballenger,	Hardin,	Myers,
Barnaby,	Hartley,	Neff,
Beeler,	Heilman,	Oatley,
Biggs,	Henderson,	Ray,
Bruner,	Hendry,	Rice,
Butterworth,	Hill,	Sayers,
Caldwell,	Holland,	Simpson,
Cauthorn,	Hooker,	Schoenemann,
Coggsell,	Hynes,	Snodgrass,
Conner,	Major,	Stephens,
Cox,	Martin of Wayne,	Stephenson,
Cunningham,	McDonald,	Tarleton,
Defrees,	McDowell,	Taughinbaugh,
Devol,	McFarland,	Wood,
Donham,	McGowan,	Zenor,
Gallentine,	Miles,	Mr. Speaker—52.
Gentry,		

So the bill failed to pass.

Engrossed House Bill No. 126. An act to amend paragraph thirteenth, of section fifty-three, of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867.

Which was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Barnaby,	Goble,	McDowell,
Bruner,	Hardin,	McGowan,
Caldwell,	Hartley,	Rice,
Calkins of Porter,	Haynes,	Schoenemann,
Copner,	Heilman,	Walker,
Cox,	Henderson,	Warrum,
Cunningham,	Hynes,	Mr. Speaker—22.
Curtis,		

*Those who voted in the negative were, Messrs.*

Abbett,	Holland,	Ruddell,
Ballenger,	Hooker,	Sabin,
Beeler,	Kennedy,	Sansberry,
Biggs,	King,	Sayers,
Britton,	Kirkpatrick,	Snodgrass,
Browning,	Knight,	Stanley,
Butterworth,	Lines,	Stephens,
Calkins of Fulton,	Major,	Stephenson,
Cauthorn,	Martin of Wayne,	St. John,
Coggswell,	Martin of Putnam,	Stone,
Conner,	McDonald,	Strickland,
Defrees,	McFarland,	Tarlton,
Deputy,	Minick,	Taughinbaugh,
Devol,	Miles,	Taylor,
Donham,	Millikan,	Tebbs,
Friedley,	Mitchell,	Washburn,
Furnas	Monroe,	White,
Gallentine,	Myers,	Williams,
Gentry,	Neff,	Wood,
Gordon of Boone,	Netherton,	Woodward,
Gordon of Cass,	Oatley,	Wymer,
Guthrie,	Ray,	Zenor,
Hendry,	Rawles,	Mr. Speaker—72.
Hill,	Rhodes,	

So the bill failed to pass.

A message from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed Joint Resolution No. 7 thereof, entitled a joint resolution concerning the so called fifteenth amendment to the Constitution of the United States and its pretended ratification, and proposing a convention of the States to amend the Constitution of the United States, and the same is herewith transmitted with a request that the House concur in the passage thereof.

Engrossed House Bill No. 88. An act authorizing coroners in

certain cases to appoint special constables, and defining their duties, and requiring coroners and justices to file papers of inquest in the clerk's office of said county.

Which was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Haynes,	Rawles,
Ballenger,	Heilman,	Rhodes,
Beeler,	Henderson,	Rice,
Biggs,	Hendry,	Ruddell,
Britton,	Holland,	Sabin,
Browning,	Hooker,	Sansberry,
Bruner,	Hynes,	Sayers,
Butterworth,	Kennedy,	Simpson,
Caldwell,	King,	Schoenemann,
Calkins of Fulton,	Kirkpatrick,	Snodgrass,
Calkins of Porter,	Knight,	Stanley,
Cauthorn,	Lines,	Stephens,
Coggsell,	Major,	Stephenson,
Conner,	Martin of Wayne,	St. John,
Copner,	Martin of Putnam,	Stone,
Cox,	McDonald,	Strickland,
Cunningham,	McDowell,	Tarleton,
Curtis,	McFarland,	Taughinbaugh,
Defrees,	McGowan,	Taylor,
Deputy,	Minick,	Tebbs,
Devol,	Miles,	Walker,
Donham,	Millikan,	Washburn,
Friedley,	Mitchell,	Warrum,
Furnas,	Monroe,	White,
Gallentine,	Montgomery,	Williams,
Gentry,	Myers,	Wood,
Goble,	Neff,	Woodward,
Gordon of Boone,	Netherton,	Wymer,
Guthrie,	Oatley,	Zenor,
Hardin,	Ray,	Mr. Speaker—91.
Hartley,		

There being no one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Clerk inform the Senate of the passage of the bill.

Engrossed House Bill No. 67. An act to amend section fifth of an act entitled "An act concerning mortgages," approved May 4, 1852.

Which was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Gentry,	McGowan,
Ballenger,	Goble,	Miles,
Barnaby,	Gordon of Boone,	Millikan,
Beeler,	Gordon of Cass,	Mitchell,
Britton,	Guthrie,	Monroe,
Browning,	Hardin,	Montgomery,
Bruner,	Hartley,	Myers,
Butterworth,	Haynes,	Neff,
Caldwell,	Heilman,	Netherton,
Calkins of Fulton,	Henderson,	Oatley,
Cauthorn,	Hendry,	Ray,
Coggsell,	Hill,	Rhodes,
Conner,	Holland,	Rice,
Copner,	Hooker,	Ruddell,
Cox,	Hynes,	Sabin,
Cunningham,	Kennedy,	Sansberry,
Curtis,	Kirkpatrick,	Sayers,
Defrees,	Knight,	Simpson,
Devol,	Lines,	Schoenemann,
Donham,	Major,	Snodgrass,
Friedley,	Martin of Wayne,	Stanley,
Furnas,	McDonald,	Stephens,
Gallentine,	McDowell,	Stephenson,

St. John,	Tebbs,	Williams,
Stone,	Walker,	Woodward,
Strickland,	Washburn,	Wymer,
Tarlton,	Warrum,	Zenor,
Taylor,	White,	Mr. Speaker—84.

*Those who voted in the negative were, Messrs.*

Biggs,	King,	Rawles,
Calkins of Porter,	Martin of Putnam,	Taughinbaugh,
Deputy,	McFarland,	Wood—9.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Clerk inform the Senate of the passage of the bill.

Engrossed House Bill No. 136. Entitled "An act to amend section one of an act entitled an act to exempt property from sale in certain cases," approved February 17, 1852.

Which was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Barnaby,	Hartley,	Monroe,
Beeler,	Henderson,	Sayers,
Biggs,	Hynes,	Simpson,
Bruner,	King,	Stephens,
Cauthorn,	Major,	St. John,
Conner,	Martin of Wayne,	Strickland,
Cox,	McDowell,	Taughinbaugh,
Gallentine,	McGowan,	Wood—26.
Guthrie,		

*Those who voted in the negative were, Messrs.*

Abbett,	Hardin,	Ray,
Ballenger,	Haynes,	Rawles,
Britton,	Heilman,	Rhodes,
Browning,	Hendry,	Rice,
Butterworth,	Hill,	Ruddell,
Caldwell,	Holland,	Sabin,
Calkins of Porter,	Hooker,	Sansberry,
Calkins of Fulton,	Kennedy,	Schoenemann,
Coggsell,	Kirkpatrick,	Snodgrass,
Copner,	Knight,	Stanley,
Cunningham,	Lines,	Stone,
Curtis,	Martin of Putnam,	Tarlton,
Defrees,	McDonald,	Tebbs,
Deputy,	McFarland,	Walker,
Devol,	Miles,	Washburn,
Donham,	Millikan,	Warrum,
Friedley,	Mitchell,	White,
Furnas,	Montgomery,	Woodward,
Gentry,	Myers,	Wymer,
Goble,	Neff,	Zenor,
Gordon of Boone,	Netherton,	Mr. Speaker—65.
Gordon of Cass,	Oatley,	

So the bill failed to pass.

Mr. Cunningham, in explanation of his vote, desired the following remarks to be spread upon the Journal:

“I am opposed to the passage of this bill, for the reason that it will work a hardship to the poor, by destroying that healthy confidence between them and those with whom they may do business. It will tend to corrupt the poor, instead of protecting them. It will tend to bring a large portion of our citizens into distrust. It will tend to make dealers charge them more for their goods, on account of this suspension, and under its operations it will, in its execution, tend to fraud and corruption, by exempting more than is named in the bill.

Message from the Governor, by John M. Commons, his Private Secretary:



EXECUTIVE DEPARTMENT,  
INDIANAPOLIS, January 27, 1871.

MR. SPEAKER:

I am directed by the Governor to respectfully inform the House that he has caused the following joint resolution to be deposited in the office of the Secretary of State, and copies thereof to be transmitted to our Senators and Representatives in Congress, and also copies of numbers one and three thereof to be transmitted to the Vice President of the United States, as therein directed, viz.:

No. 1. A joint resolution in relation to the granting of pensions to the surviving soldiers of the war of 1812.

No. 3. A joint resolution instructing the Senators and requesting the Representatives in Congress to endeavor to obtain an appropriation from Congress for the improvement of the navigation of the Wabash river.

No. 7. A joint resolution instructing our Senators and requesting our Representatives in Congress to secure the passage of a law to equalize the bounties of the soldiers and seamen of the United States in the war of the rebellion.

And he directs me also to acknowledge the receipt at this department of a concurrent resolution, in relation to appropriations of public lands to railroad companies, and to say that, although there is no law requiring such a resolution to be deposited in the office of the Secretary of State; and while the resolution itself contains no request that he should make any disposition thereof, or perform any duty in relation thereto, yet he has caused the same to be deposited in the office of Secretary of State, and copies thereof to be transmitted to our Senators and Representatives in Congress, believing that such a course would be in conformity to the wishes of the General Assembly.

JOHN M. COMMONS,  
Private Secretary.

An indefinite leave of absence was granted to Mr. Logan on account of sickness.

By the unanimous consent of the House,

Mr. Browning, from the committee on railroads, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House Bill No. 59, "A bill to make a uniform rate of freight upon railroads," have had the same under consideration, and have directed me to report the same back to the House, recommending the following amendments, to wit:

Amend section one by striking out the word "passenger" from the fifteenth line of said section.

Amend section two by striking out "three cents" from the sixth line and inserting "three and a half cents."

Amend further by striking out sections three and four.

Amend section six by inserting, after the words "Common Pleas Court," the words "justices of the peace."

Section ten, strike out the word "servants" from line seven, and insert "employees."

Section 12, line 22, strike out the figures "18,000" and insert "20,000;" line 33, strike out the word "one" and insert "two and a half."

Strike out section thirteen and insert the following:

In case any person shall order any car or cars to be provided for his use by any railroad company, at any particular time and place, and shall fail or delay to load or use the same when furnished, he shall be liable to such company for the value of the same for such time as the same shall have been left at his disposal and unused by him, at the rate of two dollars per day for each car so ordered and furnished.

And when said bill is so amended, your committee recommend the passage of the same.

Your committee further recommend that two hundred copies of said bill, as amended, be printed for the use of the House.

Which report was accepted.

Mr. Ballenger moved to print two hundred copies of the bill together with the report of the committee.

Which was agreed to.

Engrossed House Bill No. 69. Entitled an act making specific appropriations for the benevolent institutions.

Which was read a third time.

Mr. Defrees moved that the House go into a committee of the whole for the consideration of the same.

Which was agreed to.

Mr. Defrees was called to the chair.

After remaining in session some time, the committee rose and made the following report:

MR. SPEAKER:

The committee of the whole House, to whom was referred House Bill No. 69, "An act making specific appropriations for the benevolent institutions," having duly considered the same by sections, have directed me to report the same back to the House, with the recommendation that it pass.

Which report was accepted.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Cauthorn,	Furnas,
Ballenger,	Coggswell,	Gallentine,
Barnaby,	Conner,	Gentry,
Beeler,	Copner,	Goble,
Biggs,	Cox,	Gordon of Boone,
Britton,	Cunningham,	Gordon of Cass,
Browning,	Curtis,	Guthrie,
Bruner,	Defrees,	Hardin,
Butterworth,	Deputy,	Hartley,
Caldwell,	Devol,	Haynes,
Calkins of Fulton,	Donham,	Heilman,
Calkins of Porter,	Friedley,	Henderson,

Hendry,	Monroe,	Stephens,
Hill,	Montgomery,	Stephenson,
Hooker,	Myers,	St. John,
Hynes,	Neff,	Stone,
Kennedy,	Netherton,	Strickland,
King,	Oatley,	Tarlton,
Kirkpatrick,	Ray,	Taughinbaugh,
Knight,	Rawles,	Taylor,
Lines,	Rhodes,	Tebbs,
Major,	Rice,	Walker,
Martin of Wayne,	Ruddell,	Washburn,
Martin of Putnam,	Sabin,	Warrum,
McDonald,	Sansberry,	White,
McDowell,	Sayers,	Williams,
McFarland,	Simpson,	Wood,
McGowan,	Schoenemann,	Woodward,
Miles,	Snodgrass,	Wymer,
Millikan,	Stanley,	Zenor—90.
Mitchell,		

There being no one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Clerk inform the Senate of the passage of the bill.

Leave of absence was granted to the committee on reformatory institutions until to-morrow at 9 o'clock, A. M.

By the unanimous consent of the House,

Mr. Cunningham offered the following resolution:

*Resolved,* That the Doorkeeper be and he is hereby instructed to have an addition of two feet made to the west end of the Speaker's table for the use of the Clerk.

Which was agreed to.

Engrossed House Bill No. 79. Entitled an act to extend the time for the completion of certain railroads, and to legalize the acts of their boards of directors.

Which was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Ballenger,	Haynes,	Rhodes,
Barnaby,	Heilman,	Rice,
Biggs,	Henderson,	Sabin,
Britton,	Hendry,	Sansberry,
Browning,	Holland,	Sayers,
Bruner,	Hynes,	Simpson,
Butterworth,	King,	Schoenemann,
Caldwell,	Kirkpatrick,	Stanley,
Calkins of Fulton,	Knight,	Stephens,
Calkins of Porter,	Lines,	Stephenson,
Cauthorn,	Major,	St. John,
Cogswell,	Martin of Wayne,	Stone,
Conner,	Martin of Putnam,	Strickland,
Copner,	McDonald,	Tarlton,
Cunningham,	McDowell,	Taughinbaugh,
Curtis,	McFarland,	Taylor,
Defrees,	Miles,	Tebbs,
Devol,	Millikan,	Walker,
Donham,	Mitchell,	Washburn,
Friedley,	Monroe,	Warrum,
Gallentine,	Montgomery,	White,
Gentry,	Myers,	Williams,
Gordon of Boone,	Netherton,	Wood,
Gordon of Cass,	Oatley,	Woodward,
Guthrie,	Ray,	Wymer,
Hardin,	Rawles,	Zenor—90.
Hartley,		

*Those who voted in the negative were, Messrs.*

Cox,	Kennedy,	Snodgrass—5.
Furnas,	Neff,	

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered*, That the Clerk inform the Senate of the passage of the bill.

By the unanimous consent of the House,

Mr. White offered the following resolution:

WHEREAS, On Thursday, the 26th inst., the Hon. H. D. Washburn, late a Representative in Congress from this State, was removed from our midst by death; therefore,

*Be it resolved by the House of Representatives of the State of Indiana*, That in the late General Washburn we recognize a man of sterling qualities, generous and noble, a gallant soldier and a kind friend.

*Resolved*, That this House has learned with sorrow of the death of Hon. H. D. Washburn, and do hereby extend to the relatives and friends of the deceased our most sincere and heartfelt sympathy in their bereavement.

*Resolved*, That a copy of these resolutions be forwarded by the Speaker of this House to the family of the deceased.

Which was agreed to.

When,

On motion of Mr. Tebbs,

The House adjourned.

TUESDAY, JANUARY 31, 1871, 2 O'CLOCK P. M.

The House met.

Mr. Haynes presented the memorial of Matthew L. Brett in relation to certain sums of money therein mentioned.

Which was read and,

On motion,

Referred to the committee on claims.

Mr. Tebbs presented the claim of Mr. Ruley of Dearborn county against the State of Indiana for the sum of \$24.48.

Which was,

On motion,

Referred to the committee on claims.

The Speaker announced a special committee to equalize the tax on railroads as follows:

Messrs. Conner, Miles, King, Davidson, Stone, Gentry, Coggs-well, Abbett, Warrum, Defrees, and Wood.

Mr. Gentry presented two petitions of sundry citizens of Spencer county on the subject of temperance.

Which were,

On motion,

Referred to the committee on temperance.

Mr. Holland presented the petition of Henry E. Smith and James Garrity in reference to the management of the Asylum for the Blind, etc.

Which was,

On motion,

Referred to the committee on benevolent institutions.

Mr. Holland introduced the following resolution:

*Resolved*, That the committee on benevolent institutions be and the same is hereby instructed to thoroughly investigate the alleged extravagance, corruption, and mismanagement in the Institution for the Education of the Blind.

Which was agreed to.

Mr. Mitchell presented two petitions, signed by a large number of citizens, asking an amendment of the law regulating the sale of intoxicating liquors.

Which were,

On motion,

Referred to the committee on temperance.

Mr. Mitchell presented the petition of sundry citizens of Monroe county asking an amendment to the school law.

Which was read, and,

On motion,

Referred to the committee on county and township business.

A message from the Senate by the Secretary thereof:

MR. SPEAKER:

I am instructed to inform the House that the President of the Senate has signed enrolled act thereof No. 39, and the same is herewith transmitted for the signature of the Speaker.

Also, that the Senate has passed engrossed Senate Bill No. 34, entitled, "An act to amend an act granting to the citizens of Evansville, in the county of Vanderburg, a city charter, and adding supplementary sections thereto, for the government of the water works of said city," and the same is herewith transmitted to the House for the action thereof.

Also, engrossed Senate Bill No. 105, entitled "An act to abolish the Twenty-ninth Judicial Criminal Circuit Court, and to transfer its business to the Circuit Court."

By the unanimous consent of the House,

The rules were suspended for the purpose of taking up Senate Bill No. 105. An act to abolish the Twenty-ninth Judicial Circuit, Jefferson Criminal Court, and to transfer the business to the Circuit Court, to provide for the jurisdiction of the Circuit and Common Pleas Courts of Jefferson county in cases of felonies and misdemeanors, and matters connected therewith.

Which was read a first time and,

On motion,

Referred to the committee on the judiciary.

A message from the Senate by the Secretary thereof:

MR. SPEAKER:

I am instructed to inform the House that the Senate has passed engrossed Bill thereof No. 21, "An act to amend section thirty-nine



of an act defining felonies and prescribing punishment therefor," and the same is herewith transmitted to the House for its action thereon.

Engrossed House Bill No. 9. An act entitled an act to repeal "An act entitled 'An act to discourage the keeping of useless and sheep-killing dogs, and providing penalties for the violation of any of the provisions of said act by officers and others,' and also repealing an act to license dogs,' approved March 11, 1861," and providing that nothing in this act shall be so construed as to conflict with the provisions of an act entitled "An act for the protection of sheep," approved June 15, 1852.

Which was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Barnaby,	Guthrie,	Rice,
Biggs,	Hardin,	Simpson,
Browning,	Hartley,	Shutt,
Bruner,	Heilman,	Snodgrass,
Caldwell,	Henderson,	Stanley,
Cauthorn,	Hynes,	Stephens,
Coggsell,	Knight,	Strickland,
Copner,	McFarland,	Tarlton,
Cox,	Minick,	Taughinbaugh,
Curtis,	Miles,	Taylor,
Deputy,	Mitchell,	Washburn,
Devol,	Montgomery,	Warrum,
Donham,	Neff,	Wilson,
Friedley,	Netherton,	Wymer,
Gentry,	Oatley,	Zenor—47.
Goble,		

*Those who voted in the negative were, Messrs.*

Ballenger,	Defrees,	Haynes,
Britton,	Furnas,	Hendry,
Butterworth,	Gordon of Boone,	Hill,
Calkins of Fulton,	Gordon of Cass,	Holland,
Calkins of Porter,	Hawley,	Kennedy,

King,	Millikan,	Sayers,
Kirkpatrick,	Myers,	Schoenemann,
Lines,	Ray,	St. John,
Major,	Rawles,	Stone,
Martin of Wayne,	Rhodes,	Tebbs,
Martin of Putnam,	Ruddell,	White,
McDonald,	Sabin,	Wood,
McDowell,	Sansberry,	Mr. Speaker—39.

So the bill failed to pass for want of a constitutional majority.

#### SPECIAL ORDER FOR THE DAY.

The hour of 3 o'clock P. M. having arrived, it being the hour designated by the House for the consideration of House Bill No. 181, the same was taken up.

House Bill No. 181. An act to provide for the investment of the money belonging to the Sinking Fund.

Which was read a second time.

Mr. Ruddell introduced

House Bill No. 204, as a substitute for House Bill No. 181. An act to provide for the investment of the Sinking Fund now under the control of the Auditor of State, and for the distribution of the income thereof for common school purposes.

Which was read a first time, and,

On motion,

Referred to the committee on ways and means, together with House Bill No. 181.

Engrossed House Bill No. 23. Entitled an act to repeal an act entitled "An act to authorize and encourage the construction of levees, dikes and drains, and the reclamation of wet and overflowed lands by incorporated companies, and to repeal all former laws relating to the same subject," which took effect May 22, 1869.

Which was read a third time.

Mr. Taylor moved to recommit the bill to the committee on

drains and dikes, with instructions to incorporate certain amendments.

Which was not agreed to.

Mr. Wilson moved the previous question on the passage of the bill.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question recurring on the passage of the bill.

*Those who voted in the affirmative were, Messrs.*

Barnaby,	Hartley,	Sabin,
Beeler,	Hawley,	Sansberry,
Bruner,	Heilman,	Sayers,
Butterworth,	Henderson,	Schoeneman,
Caldwell,	Hill,	Shutt,
Calkins of Fulton,	Holland,	Snodgrass,
Calkins of Porter,	Hynes,	Stanley,
Coggsell,	Kennedy,	Stephens,
Copner,	Knight,	Stephenson,
Cox,	Lines,	Stone,
Cunningham,	Major,	Strickland,
Curtis,	Martin of Wayne,	Tarlton,
Defrees,	Martin of Putnam,	Trughinbaugh,
Deputy,	McFarland,	Tebbs,
Devol,	Mitchell,	Washburn,
Donham,	Monroe,	Warrum,
Friedley,	Myers,	White,
Furnas,	Neff,	Williams,
Gentry,	Netherton,	Wilson,
Goble,	Oatley,	Wood,
Gordon of Cass,	Rawles,	Wymer,
Guthrie,	Rhodes,	Zenor—67.

*Those who voted in the negative were, Messrs.*

Ballenger,	Browning,	Cauthorn,
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Conner,	McDonald,	Montgomery,
Gordon of Boone,	McDowell,	Ruddell,
Haynes,	Minick,	St. John,
Hendry,	Miles,	Taylor—15.
Kirkpatrick,	Millikan,	

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered*, That the Clerk inform the Senate of the passage of the bill.

Leave of absence for to-morrow was granted to the committee on benevolent institutions.

Leave of absence was granted to the committee on the Soldiers' Home for to-morrow.

#### HOUSE BILLS ON THEIR SECOND READING.

The order for House Bills on their second reading being called.

House Bill No. 75. Entitled an act making illegal and void all contracts for the payment of attorney's fees by the promissor in such contract.

With certain amendments thereto still pending, was taken up.

The bill having been read a second time on a previous day,

The question recurred on the amendment of Mr. Biggs to the amendment offered by Mr. Defrees, which is as follows:

Excepting from the operations of this act all notes and contracts made payable to any bank in this State, or to any person or persons, for loaned money in which no greater rate of interest than ten per cent. per annum shall have been received, paid, or contracted for: *Provided*, That such attorney's fees shall in no case exceed five per cent.

Which was not agreed to.

The question recurring on the amendment of Mr. Defrees, which reads as follows, to wit:

Amend as follows:

That all notes in which attorney's fees are provided for, such fees shall not exceed five per cent. on the first three hundred dollars, and two and a half per cent. on all sums above that amount.

Which was not agreed to.

The bill was ordered to be engrossed and passed to its third reading.

By the unanimous consent of the House,

Mr. McDonald introduced

House Bill No. 205. An act relating to the interests of the State of Indiana by escheat in the lands formerly owned by Ralph Turner, deceased.

Which was read a first time, and,

On motion,

Referred to the judiciary committee.

Engrossed House Bill No. 63. Entitled an act to amend sections 62, 63, 65 and 66 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867, and declaring and emergency.

Which was read a second time.

Mr. Taylor offered the following amendment:

Amend by inserting the following: If any of said commissioners refuse to act, or in case a vacancy occurs, the Council may appoint others of like qualifications to fill the vacancies.

Pending the consideration of which,

On motion of Mr. Beggs,

The House adjourned.

## WEDNESDAY MORNING.

FEBRUARY 1, 1871, 9 O'CLOCK.

The House met.

Prayer by the Rev. Benjamin Franklin, of Christ Church.

The Journal of yesterday was then read in part, when,

On motion of Mr. Cauthorn,

The further reading was dispensed with.

The question pending at adjournment, being on the amendments offered by the judiciary committee, and the amendment offered by Mr. Taylor to House Bill No. 63.

The same were taken up and agreed to by the House.

## HOUSE BILLS ON THEIR SECOND READING.

House Bill No. 132. An act to repeal the proviso in section two of an act entitled "An act to amend section two of an act entitled 'An act making the register of sales of Michigan road lands, and certified copies of entries thereon, evidence, and declaring the effect thereof,' and making the records, patents and certificates of purchase, and other evidence in writing of the sale of real estate, and certified copies of such records evidence, and declaring the effect thereof," approved March 9, 1859.

Which was read a second time, ordered to be engrossed, and passed to its third reading.

House Bill No. 151. Entitled an act to encourage the destruction of red foxes.

Which was read a second time.

Mr. Neff offered the following amendment :

Add "night hawk and owl."

Mr. Cauthorn moved to lay the amendment on the table.

Which was not agreed to.

The question recurring on the adoption of the amendment.

When it was not agreed to.

Mr. Hardin offered the following amendment :

“Strike out two and insert one dollar.”

Which was not agreed to.

Mr. Warrum offered the following amendment :

Amend by adding “sheep-killing dogs.”

Which was not agreed to.

Mr. St. John offered the following amendment :

*Provided*, That the chasing of foxes shall be confined to uninclosed lands.

Which was not agreed to.

The bill was then ordered to be engrossed, and passed to a third reading.

House Bill No. 40. An act to amend section 7, chapter 170, of an act entitled “An act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto,” approved March 5, 1859.

Which was read a second time, ordered to be engrossed, and passed to a third reading.

House Bill No. 106. Entitled an act to prevent electors from voting for persons for road supervisor in a district other than that in which the elector resides.

Which was read a second time, ordered to be engrossed, and passed to its third reading.

House Bill No. 42. An act to amend section 11 of an act enti-

tled "An act to allow county commissioners to organize turnpike companies."

Which was read a second time, ordered to be engrossed, and passed to a third reading.

House Bill No. 154. An act to amend an act entitled "An act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," approved December 20, 1865.

Which was read a second time, ordered to be engrossed, and passed to a third reading.

House Bill No. 196. Entitled an act to amend an act approved January 27, 1847, entitled "An act granting to the citizens of the town of Evansville, in the county of Vanderburg, a city charter," by adding supplemental sections thereto.

Which was read a second time, and,

On motion,

Referred to the committee on cities and towns.

House Bill No. 203. An act regulating general and special elections, and prescribing the duties of officers in relation thereto, and for the punishment of such officers for the neglect of their duty, and for repealing all laws respecting general elections.

Which was read a second time.

Mr. Ruddell moved that the further consideration of the bill be postponed to February 2d, at ten o'clock A. M., and made the special order for that hour, and that it then be referred to the committee of the whole House.

Which was agreed to.

Mr. Neff moved that Senate Bill No. 34 be referred to the committee on cities and towns, without reading.

Which was agreed to.

House Bill No. 105. An act entitled an act allowing persons to make certain improvements on the public highways, and pro-



viding the manner of payments therefor, and declaring an emergency.

Which was read a second time, ordered to be engrossed, and passed to a third reading.

Mr. Calkins of Fulton presented the petition of 1,400 citizens of Parke county, asking for the repeal of the present railroad law.

Which was,

On motion,

Referred to the committee on railroads.

Mr. Copner presented a petition from citizens of Montgomery county, in reference to divorce laws.

Which was,

On motion,

Referred to the committee on rights and privileges.

Also, a petition to create a Board of Supervisors for Reformatory and Benevolent Institutions, improvement of county jails, etc.

Which was,

On motion,

Referred to the committee on reformatory institutions.

House Bill No. 55. Entitled an act authorizing turnpike companies organized under the act approved March 6, 1865, to adopt the acts of May 12, 1852, in reference to turnpike companies, and all amendments thereto, and amending section eighteen of an act entitled "An act to allow County Commissioners, where three-fifths of the persons representing the real estate within prescribed limits petition for the same, and to levy a tax for its construction, and to provide for the same to be free," approved March 6, 1865.

Which was read a second time, ordered to be engrossed, and passed to its third reading.

House Bill No. 96. Entitled an act to amend section forty-five of an act entitled "An act to provide for the opening, vacating, and change of highways," approved June 17, 1852.

Which was read a second time, ordered to be engrossed, and passed to its third reading.

House Bill No. 137. An act to fix the time of holding the Court of Common Pleas in the Sixteenth Judicial District, and repealing all laws in conflict herewith.

Which was read a second time, ordered to be engrossed, and passed to its third reading.

House Bill No. 177. An act defining what counties shall constitute the Twenty-first Common Pleas District, to fix the time of holding the Courts therein, and repealing all laws inconsistent herewith.

Which was read a second time.

Mr. Biggs moved that the constitutional rule requiring the bill to be read on three several days be suspended, that the bill be read a third time now, and put upon its passage.

The ayes and noes were taken under the constitutional rule.

The question being, shall the rule be suspended?

*Those who voted in the affirmative were, Messrs.*

Ballenger,	Heilman,	Montgomery,
Barnaby,	Henderson,	Neff,
Beeler,	Hendry,	Netherton,
Biggs,	Hill,	Oatley,
Browning,	Holland,	Rawles,
Bruner,	Hooker,	Rhodes,
Butterworth,	Hynes,	Rice,
Calkins of Fulton,	Kennedy,	Ruddell,
Coggsell,	King,	Sabin,
Cox,	Kirkpatrick,	Sansberry,
Curtis,	Knight,	Sayers,
Davidson,	Lines,	Simpson,
Deputy,	Major,	Schoenemann,
Donham,	Martin of Wayne,	Shutt,
Friedley,	Martin of Putnam,	Snodgrass,
Furnas,	McDonald,	Stanley,
Gallentine,	McDowell,	Stephens,
Gordon of Cass,	McGowan,	St. John,
Guthrie,	Miles,	Strickland,
Hartley,	Mitchell,	Tarleton,
Haynes,	Monroe,	Taughinbaugh,

Taylor,	White,	Woodward,
Tebbs,	Williams,	Wymer,
Walker,	Wilson,	Zenor,
Washburn,	Wood,	Mr. Speaker—76.
Warrum,		

*Those who voted in the negative were, Messrs.*

Britton,	Copner,	Hardin,
Caldwell,	Cunningham,	Ray--7.
Cauthorn,		

So the rule was suspended.

House Bill No. 177. Entitled an act defining what counties shall constitute the Twenty-first Common Pleas District, to fix the time of holding the Courts therein, and repealing all laws inconsistent therewith.

Which was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Donham,	King,
Ballenger,	Friedley,	Kirkpatrick,
Barnaby,	Furnas,	Knight,
Beeler,	Gallentine,	Lines,
Biggs,	Goble,	Major,
Britton,	Gordon of Cass,	Martin of Wayne,
Browning,	Guthrie,	Martin of Putnam,
Bruner,	Hardin,	McDonald,
Butterworth,	Hartley,	McDowell,
Caldwell,	Haynes,	Miles,
Cauthorn,	Heilman,	Millikan,
Coggsell,	Henderson,	Mitchell,
Copner,	Hendry,	Monroe,
Cox,	Hill,	Montgomery,
Cunningham,	Holland,	Myers,
Curtis,	Hooker,	Neff,
Davidson,	Hynes,	Netherton,
Deputy,	Kennedy,	Oatley,

Ray,	Snodgrass,	Washburn,
Rawles,	Stanley,	Warrum,
Rhodes,	Stephens,	White,
Rice,	St. John,	Williams,
Ruddell,	Strickland,	Wilson,
Sabin,	Tarlton,	Wood,
Sansberry,	Taughinbaugh,	Woodward,
Sayers,	Taylor,	Wymer,
Simpson,	Tebbs,	Zenor,
Schoenemann,	Walker,	Mr. Speaker—84.
Shutt,		

There being no one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Clerk inform the Senate of the passage of the bill.

House Bill No. 182. An act to enable cities to aid in the construction of railroads.

Which was read a second time, ordered to be engrossed, and passed to its third reading.

House Bill No. 185. An act for the relief of George L. Reiter and Maria B. Reiter.

Which was read a second time, ordered to be engrossed, and passed to its third reading.

House Bill No. 188. An act to provide for appeals in certain cases from the actions of County Boards of Equalization.

Which was read a second time, ordered to be engrossed, and passed to its third reading.

House Bill No. 152. Entitled an act authorizing the issue of a subpœna *duces tecum* for certain officers, and requiring them in cer-

tain cases to produce original records, bonds, and other instruments in evidence.

Which was read a second time.

Mr. Ruddell offered the following amendment:

Amend by inserting: *Provided*, That this act shall not apply to any suit now pending in any of the Courts of this State.

Which was not agreed to.

The bill was then ordered to be engrossed, and passed to its third reading.

House Bill No. 129. An act to amend an act to amend sections one and three of an act entitled "An act to provide for the relocation of county seats, and for the erection of public buildings in counties in case of such relocation," approved March 2, 1855, and to amend section one of an act amendatory of said act, approved December 8, 1865, and to provide for the appointment of commissioners, approved February 24, 1869.

Which was read a second time, ordered to be engrossed, and passed to its third reading.

House Bill No. 191. An act supplementary to an act regulating prosecutions in cases of bastardy, and providing for the support of illegitimate children," approved May 6, 1852.

Which was read a second time, ordered to be engrossed, and passed to its third reading.

House Bill No. 170. An act to amend section eighteen of an act entitled "An act concerning the partition of land," approved May 2, 1852.

Which was read a second time, ordered to be engrossed, and passed to its third reading.

House Bill No. 172. Entitled an act to amend an act entitled "An act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between

law and equity," approved June 18, 1852, being supplemental thereto.

Which was read a second time, and,

On motion,

Recommitted to the committee on the judiciary.

House Bill No. 180. An act in relation to the disability of Circuit Judges to hold and discharge the duties of their Courts, and providing for the appointment of judges *pro tem.* during the disability of said judges elected.

Which was read a second time, ordered to be engrossed, and passed to its third reading.

House Bill No. 134. Entitled an act to prohibit certain animals running at large, except by permission by the county commissioners, township trustees, etc., and prescribing penalties for the violation thereof.

Which was read a second time, ordered to be engrossed, and passed to its third reading.

A message from the Senate by the Secretary thereof:

MR. SPEAKER:

I am instructed to inform the House that the Senate has passed Joint Resolution thereof No. 8, entitled "A joint resolution in relation to an appropriation by Congress for the completion of the harbor on Lake Michigan at Michigan City," in which action of the Senate the House is requested to concur.

House Bill No. 142. An act to amend section five of an act entitled "An act to amend the eighteenth, twenty-fourth, twenty-fifth, and twenty-sixth sections of an act entitled 'An act regulating descents and the apportionments of estates,' approved May 14, 1852, and adding a supplemental section to said act," approved March 4, 1853.

Which was read a second time, ordered to be engrossed, and passed to its third reading.

House Bill No. 131. An act supplemental to an act entitled "An act in relation to county treasurers," approved March 4, 1852.

Which was read a second time.

Mr. Barnaby offered the following amendment:

Amend by adding to the first section the following: *Provided*, There be a sufficient amount of money in the county treasury to liquidate said claim.

Which was agreed to.

The bill was then ordered to be engrossed, and passed to a third reading.

House Bill No. 101. Entitled an act to amend section nine of an act entitled "An act to enable incorporated towns to lay out, open, grade, and improve streets and alleys, and make public improvements therein, and to make surveys, and adopt plats where the same have been lost or destroyed, and prescribing the duties of the boards of trustees, and providing for the mode of working and improving streets and alleys, and declaring an emergency," approved April 27, 1867.

Which was read a second time, ordered to be engrossed, and passed to a third reading.

House Bill No. 43. An act to provide for the holding of Roman Catholic churches, cemeteries, colleges, and other property.

Which was read a second time, ordered to be engrossed, and passed to a third reading.

A message from the Governor by John M. Commons, his Private Secretary:

EXECUTIVE DEPARTMENT,  
INDIANAPOLIS, February 1, 1871.

MR. SPEAKER:

By direction of the Governor, I have the honor to transmit herewith a message and accompanying papers in relation to the creation of a new Light House District, to include the Mississippi, Missouri, and Ohio rivers.

JOHN M. COMMONS,  
Private Secretary.

*Gentlemen of the Senate and House of Representatives:*

I have just received the printed communication herewith respectfully transmitted from a committee of the Pittsburg Coal Exchange in relation to the establishing of a system of lights, buoys, channel marks, etc., for the Western rivers by the creation of a new Light House District.

The letter of Col. Merrill of the Engineer Department of the U. S. Army, which accompanies this communication, is especially worthy of consideration.

The paper herewith communicated also embodies a copy of a bill recently introduced into the lower House of Congress by General Garfield, proposing to extend the jurisdiction of the Light House Board over the Mississippi, Missouri, and Ohio rivers, and to arrange these rivers into one or more Light House Districts, etc.

I respectfully recommend the passage of a joint resolution asking our Senators and Representatives in Congress to urge the passage of said bill.

CONRAD BAKER.

House Bill No. 122. An act to appropriate two hundred and fifty dollars for the distribution of the report of the Superintendent of Public Instruction.

Which was read a second time.

Mr. Cauthorn offered the following amendment:

Amend by striking out two hundred and fifty dollars and inserting in lieu thereof one hundred and fifty dollars.

Which was agreed to.

The bill, with the amendment, was ordered to be engrossed, and passed to a third reading.

Mr. Browning asked that the Journal of January 27th be corrected so as to show that House Bill No. 85 was not reported back from the committee on county and township business.

It was so ordered.

House Bill No. 138. Entitled an act to amend sections two and



three of an act to incorporate the Indianapolis Light and Coke Company, approved February 12, 1851.

Which was read a second time, ordered to be engrossed, and passed to a third reading.

House Bill No. 157. An act regulating the fees of certain officers and persons therein named, and prescribing penalties for the violation of its provisions.

Which was read a second time, and,

On motion,

Referred to the committee on fees and salaries.

Mr. St. John presented the petition of sundry citizens on the subject of prison reform.

Which was,

On motion,

Referred to the committee on benevolent institutions.

Mr. St. John presented the petition of sundry citizens of Grant county asking the modification of the divorce laws.

Which was,

On motion,

Referred to the committee on rights and privileges.

Mr. Friedley offered the following amendments to House Bill No. 204:

Amend said bill so as to cause said fund to be apportioned among the several counties of the State according to the last enumeration of school children, as reported to the Superintendent of Public Instruction, and loaned by the Auditor thereof.

Amend section one so as to make the interest upon such loans eight per cent. per annum.

Which amendments were,

On motion,

Referred to the committee on ways and means.

When,

On motion of Mr. Calkins of Fulton,

The House adjourned.

WEDNESDAY, FEBRUARY 1, 1871, 2 O'CLOCK P. M.

The House met.

ORDERS OF THE DAY.

*Reports from Standing Committees.*

Mr. Henderson, from the judiciary committee, submitted the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred House Bill No. 179, entitled "An act to amend section four hundred and twelve of an act entitled 'An act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity,' approved June 18, 1852, and repealing all laws inconsistent herewith," have had the same under consideration, and beg leave to report the same back with the recommendation that it lie on the table. The present law, in the opinion of the committee, being sufficient.

Which report was concurred in.

Mr. Friedley, from the judiciary committee, submitted the following report:

MR. SPEAKER:

The committee on judiciary, to whom was referred House Bill No. 85, entitled a bill to provide for the sale of lands returned delinquent for the non-payment of taxes, providing for recovery of such taxes, penalty, interest and cost, by action in the Common Pleas or Circuit Court, the mode of procedure therein, prescribing the duties of certain officers in relation thereto, the sale by proper sheriff thereof, conveyance to purchaser; the effect thereof, and what cases and how redemption thereof may be had, and compensation of the attorney prosecuting in such proceeding, have had the same

under consideration, and beg leave to report the same back, with the recommendation that it pass, with the following amendment, to wit: strike out the word "that year" in the the first section, and ninth line, and insert in place thereof, the words "two consecutive years."

Which report was accepted.

Mr. St. John, from the judiciary committee, submitted the following report:

MR. SPEAKER:

The committee on judiciary, to whom was referred House Bill No. 197, entitled "An act to amend section 8, of an act providing for the election and prescribing certain duties of county surveyors," have had the same under consideration, and beg leave to report the same back, with the recommendation that it lie on the table; the present law, being, in the opinion of your committee, sufficient.

Which was concurred in.

Mr. McDonald, from the majority of the committee on judiciary, submitted the following report:

MR. SPEAKER:

The committee on judiciary, to whom was referred the matter of contest, in the case of Wile against Schoenemann from the county of La Porte, have had the same under consideration, and have not been able to agree. The undersigned are of the opinion that the resolutions reported to this House by the committee on elections should be adopted.

(Signed)

ISAIAH B. McDONALD,  
HENRY S. CAUTHORN,  
WILLIS G. NEFF,  
R. P. DAVIDSON.

Mr. McDonald moved that the report be made the special order for 10 o'clock A. M., Friday, February 3d, 1871.

Which was agreed to.

Mr. Cauthorn, from the judiciary committee, submitted the following report:

MR. SPEAKER:

The committee on judiciary, to whom was referred House Bill No. 4, entitled "An act in relation to voluntary assignments in trust for the benefit of creditors, and defining the power of Courts of Common Pleas in relation thereto in certain cases," have had the same under consideration, and beg leave to report the same back, with the recommendation that it pass.

Which report was concurred in.

Mr. Stephenson, from the committee on fees and salaries, submitted the following report:

MR. SPEAKER:

Your committee on fees and salaries, beg leave to report that they are equally divided upon the question of reporting a fee or salary bill, and the undersigned members of the committee, who favor the adoption of a specific salary for county officers, beg leave to submit the following substitute for House Bill No. 1, and recommend its passage.

Which report was accepted.

House Bill No. 206, (introduced by the committee on fees and salaries,) an act regulating the salaries and compensation of county officers, and repealing all laws granting fees and perquisites to said officers inconsistent with this act, and providing penalties for the violation of any of its provisions.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That there shall be allowed to the several county officers in this State, hereafter mentioned, the following annual salaries:

SEC. 2. The clerk of the Circuit Court in each county in the State, shall receive the sum of \$1,000 annually, for their services in discharging the duties of their office as clerk of the Circuit and Common Pleas Courts of the county, and all other duties pertaining to their office, and no more, except as hereinafter provided in this act.

SEC. 3. There shall be allowed to the clerk of the Circuit Court in the State, for the pay of deputies, the sum of \$35,00 for each five hundred inhabitants in excess of the first five thousand inhabitants.

SEC. 4. The county auditors in this State shall each receive an annual salary of \$1,000, and for the purpose of hiring deputies, they shall each receive the further sum of \$35,00 for every five hundred inhabitants, in excess of the first five thousand inhabitants in their respective counties.

SEC. 5. The sheriff of each of the counties in this State shall receive an annual salary of \$1,300, and, for the purpose of hiring deputies, they shall receive the further sum of \$35.00 for every five hundred inhabitants in excess of the first five thousand inhabitants in their respective counties.

SEC. 6. The treasurer of each county shall receive an annual salary of \$1,000, and, for the purpose of hiring deputies, the further sum of \$35.00 for every five hundred inhabitants in excess of the first five thousand inhabitants in their respective counties.

SEC. 7. The board of commissioners, in calculating the allowance to be made to the above mentioned county officers for deputy hire, shall be governed by the last preceding census of the population taken by the Federal Government.

SEC. 8. The salaries allowed in this act shall be paid quarterly, upon the warrant drawn by the county auditor, on the first days of January, April, July, and October.

SEC. 9. The county treasurer shall receive ten per cent. for the collection of delinquent taxes, when the same are collected by the sale of personal property, and when paid without sale five per cent., and shall be allowed their necessary cash expenses in settling with the Treasurer and Auditor of State. It shall be the further duty of each county treasurer to render a sworn report to the board of commissioners of such county, on the third day of each regular session of such board, in which he shall fully and truly set forth all loans or deposits, other than loans of school funds, on the warrant of the auditor, by him made to any person or persons, or corporations, of any of the moneys or funds received at or pertaining to his office, with the rate of interest at which such loans or deposits were made,

together with the amount by him received of interest on such loans or deposits; and all such loan or deposit, and all such sum of interest shall be charged to such treasurer as part of the several funds so loaned or deposited, and be by the auditor of such county distributed with and as a part of such funds, and shall be paid out to the proper persons and officers by the treasurer, upon the warrant of the auditor; and if any treasurer neglect, fail, or refuse to make such report, or pay over, on the warrant of the auditor, any such interest, he shall be fined for each offense in any sum not less than two hundred dollars; and if any auditor shall fail, neglect, or refuse to issue his warrant for such interest, on demand of the proper person or officer, he shall, for each offense, be fined in any sum not less than two hundred dollars. And if any of the public moneys so loaned or deposited by any such treasurer shall be lost by reason of the failure of the person or corporation to whom the same may be loaned to pay the same, or otherwise, such treasurer and his sureties shall be liable therefor.

SEC. 10. For the purpose of re-imbursing the several counties of this State against the expenses to be incurred by the operation of this act, it is further enacted that in every civil action of any description in any Circuit or Common Pleas Court, or case on appeal from a justice of the peace, or board of county commissioners, to such Courts, the following costs shall be charged and collected from the unsuccessful party by the clerks of the circuit, who shall pay the same into the county treasury, as hereinafter provided, to wit:

On judgments by default, when the amount does not exceed five hundred dollars, \$3.00.

Where the amount is over five hundred and does not exceed two thousand dollars, \$5.00.

Where the amount is over two thousand dollars, \$8.00.

On all judgments rendered after trial, where the sum does not exceed five hundred dollars, \$5.00.

Where the sum is over five hundred dollars and under two thousand, \$8.00.

On all sums over two thousand dollars, \$2.00.

On all trials by jury there shall be taxed, in addition to the above fees, \$5.00 for each day after the first the jury is detained on the trial.

On all final judgments rendered on demurrer, \$5.00.

In the settlement of decedents' estates and guardianships, the following costs shall be charged and collected:

Where the total assets of such estate or guardianship do not exceed five hundred dollars, no costs shall be charged.

Where they exceed five hundred and do not exceed two thousand dollars, if settled within one year from date of letters or appointment, \$5.00.

If not settled within one year, \$1 per annum after the first year, until the same is settled.

If such assets exceed two thousand and do not exceed five thousand dollars, \$8.00; and \$2.00 per annum after the first year.

Over five thousand dollars and under ten, \$12.00; and \$3.00 per annum after the first year.

Over ten thousand dollars, \$15.00; and \$5.00 for each year after the first.

In criminal cases, the clerk shall collect the following costs:

For judgment on plea of guilty, \$5.00.

For judgment on trial by Court, \$10.00.

For judgment on trial by jury, \$10.00; and \$5.00 for every day the jury is detained.

Each marriage license, \$2.00.

Taking bond and qualifying each justice of the peace, and all other township, county, or other officers, \$1.00.

For filing and recording transcripts from justices of the peace, and other counties, to bind real estate, and entering the same on judgment docket, \$1.00.

The auditor shall tax and collect the following fees from the parties for whom the service is rendered, to wit:

For making each mortgage to secure loans to school fund, tax deeds, or official bonds, \$2.00.

Each merchant's or other license, \$2.00.

Each transfer of real estate, 25 cents.

In trials before the Commissioners' Court, the auditor shall charge and collect the same fees that are herein provided for clerks of the Circuit Court in similar cases.

The clerk, auditor, treasurer, and sheriff shall each charge parties for whom the service is rendered for all copies of official records or papers from their respective offices, ten cents per hundred words, counting three figures to the word; for each certificate and seal, fifty cents; for complete records, ten cents per one hundred words.

SEC. 11. Each of said officers shall have power to issue fee-bills for the collection of the above fees, as now provided by law.

SEC. 12. The fees collected and paid into the county treasury under this act shall constitute the county officers' fund, and the clerk and sheriff shall receive their salaries therefrom, and from no other source: *Provided*, There shall be a surplus of the same at the end of any year, after paying the salaries herein provided for, the board of commissioners may transfer the same to and merge the same in the county revenue fund.

SEC. 13. The board of commissioners shall provide each county officer mentioned in this act with a suitable blank book, wherein he shall keep an accurate account of all fees and costs by him charged, specifying the date, nature, and amount of the same, to whom charged, when paid, or if not paid, the reasons therefor, together with the date of fee-bill, if one issued.

SEC. 14. The said fees and charges, from the time they are so entered and charged by said officers, as hereinbefore provided, shall have the force and effect of judgments at law in said courts, and shall be a lien upon the lands of the party against whom they are charged, and shall be collected upon the proper process by levy and sale without relief from valuation or appraisement laws.

SEC. 15. No board doing county business, nor any Circuit or Common Pleas Court therein, shall make any allowances whatever, to any of the above named officers for extra services rendered, except as otherwise provided in this act; but the said courts are hereby authorized to employ bailiffs during term time, whose number and compensation shall be regulated by the court and paid by the county treasurer; *provided*, that sheriffs shall be allowed their actual cash expenses in guarding and removing prisoners to places of safety, and taking convicts to the penitentiaries of this State.

SEC. 16. The clerk, auditor and sheriff shall, on the first Monday of each month, pay over to the county treasurer all moneys received by them under this act, as fees or charges for official services during the preceding month, taking the treasurer's receipt for the same, designating in the receipt what month said money was collected, said receipt to be filed with the county auditor, taking his quietus for the same. The treasurer and auditor shall register said



receipt in the county register of receipts, as in other cases where the law requires registration.

SEC. 17. Said clerk, auditor, treasurer and sheriff, shall each make reports, under oath, to the board of county commissioners of their respective counties, on the third day of each regular term of said board, of all official fees and charges, made either by themselves or deputies during the preceding three months, giving the name of each person charged with fees, and the amount charged, the amount collected and from whom, deducting the amount paid from the amount charged, showing the amount of fees in the aggregate remaining unpaid, with the reasons why the same has not been paid. Said report shall be examined by said board, and if adjudged to be correct and in full compliance with this act, shall order the same to be recorded on their order book, with an order of said board approving said report as being correct. If, however, said board have reason to believe that said reports, or either of them, are incorrect, they shall make an order disapproving of the same, in whole or in part.

SEC. 18. In case any such fees or costs mentioned in this act shall remain unpaid after making said report by reason of the negligence or carelessness of any such officer, or have been paid, but not turned over to the county treasurer as herein provided, the board of commissioners shall make an order deducting said amount from the salary of such officer.

SEC. 19. In case any of the above named county officers neglect or refuse to perform any or all of the duties prescribed in this act, or neglect or refuse to collect promptly, and without unnecessary delay, all fees, costs, and charges fixed by this act, and pay the same into the county treasury, when the same is so payable, he shall, on conviction thereof, be fined in any sum not exceeding one thousand dollars, and removed from office, either or both, at the discretion of the court or jury trying the same; and it is hereby made the duty of the circuit or district prosecutors to prosecute, in all such cases, as in other cases of misdemeanor.

SEC. 20. All laws and parts of laws granting fees, emoluments or perquisite to any of the above named county officers, and all laws and parts of laws coming in conflict with the provisions of this act, or any part of it, be and the same is hereby repealed.

SEC. 21. This act shall take effect from and after the first day of June, 1871.

Mr. Stephenson moved that two hundred copies of the bill, as reported from the committee, be printed for the use of the House and Senate.

Which was agreed to.

Mr. Britton, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House Bill, entitled "An act to amend chapter 7 of the statutes of Indiana, defining misdemeanors and prescribing punishment therefor," approved June 14th, 1852, would respectfully report that we have had the same under consideration, and recommend the following amendment, to-wit: Insert after the word "otherwise," "without the owners consent," and when so amended, we recommend its passage.

Which was accepted.

#### SPECIAL ORDER FOR THE DAY.

The half-past two o'clock P. M. having arrived, the same being the hour designated by the House for the consideration of House Bill No. 103, the same was taken up.

Mr. Neff moved that the bill be indefinitely postponed.

Mr. Calkins, of Porter, moved to postpone the further consideration of the bill until Tuesday, February 7th, 1871, at two and one-half o'clock P. M., and that it be made the special order for that hour.

Mr. Neff withdrew the motion to indefinitely postpone.

Which was renewed by Mr. McDonald.

The question being, on the motion of Mr. Calkins, of Porter.

It was agreed to.

Mr. Haynes, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee to whom was referred House Bill No. 175, authorizing voluntary life insurance associations, and defining their powers and prescribing their duties, have had the same under consideration, and report the same back with the recommendation that it be indefinitely postponed.

Which was concurred in.

Mr. Montgomery, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House Bill No. 102, an act to amend section two of "An act to provide for the protection of wild game, and defining the time in which the same may be taken or killed, and declaring the penalty for the violation thereof," approved March 11, 1867, having had the same under consideration, recommend that it be indefinitely postponed.

Which report was concurred in.

Mr. Montgomery, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House Bill No. 121, entitled an act to exempt two months' wages or salary from garnishee, process and foreign attachment, having had the same under consideration, report that we recommend that it lie upon the table.

Mr. Taylor moved that the bill be recommitted to the committee on rights and privileges, with instructions to so amend that it shall not apply to cases of fraud.

Which was agreed to.

Mr. Stanley, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

The committee on rights and privileges, to whom was referred House Bill No. 83, being a bill to provide for the protection of shade trees, etc., have had the same under advisement, and have instructed me to report said bill back, with a recommendation that it pass.

Which report was accepted.

Mr. Rice, from the committee on manufactures and commerce, submitted the following report:

MR. SPEAKER:

Your committee to whom was referred House Bill No. 139, make the following report:

1st. Strike out "one hundred thousand" and substitute "fifty thousand."

2d. Strike out the words "who may become residents of this State after the passage of this act."

3d. After the word "notice," in the last line of the first section, add the following: "*Provided*, That prior to holding such election, such person or association shall deposit with the treasurer of such city or town, such sum as the Common Council or Board of Trustees of such city or town shall deem necessary, to defray the expenses of said elections."

With these alterations and amendments, which we embody in a copy of the bill, and present with this report, and recommend the passage of the bill as amended.

Which report was not accepted.

Mr. Knight moved to reconsider the vote by which the House refused to accept the report of the committee on House Bill No. 139.

Which was agreed to.

The question recurring on the acceptance of the report.

It was accepted.

Mr. Zenor, from the committee on county and township business, submitted the following report:

MR. SPEAKER:—

Your committee to whom was referred House Bill No. 201, "An act authorizing township trustees to make surveys of highways in certain cases, providing the mode of compensation therefor, and authorizing said officers to keep such highways free from obstructions, and declaring an emergency," have had the same under consideration, and report the same back with the recommendation that it lie on the table.

Which was concurred in.

Mr. Kennedy, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House Bill No. 114, beg leave to make the following report: strike out the word "quarterly" where the same occurs, and add to section one the following: Also the headings of all contracts, to whom let and the amount agreed upon; *Provided, however*, the cost of such printing shall not exceed five cents per line, for closely printed matter. With these amendments we report the same back, and recommend its passage.

Which report was accepted.

Mr. Copner, from the committee on engrossed bills, submitted the following report:

MR. SPEAKER:

Your committee on engrossed bills, to whom was referred engrossed House Bill No. 75, have carefully compared the same with the original copy thereof, and find it correctly engrossed.

Mr. Kennedy, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House Bill No. 193, entitled an act to amend an act supplemental to "An act to provide for the opening, vacating and changing of highways," approved March 9, 1861, have had the same under consideration, and report it back with the recommendation that it pass.

Which report was accepted.

Mr. Guthrie, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee to whom was referred House Bill No. 100, an act entitled "An act for the improvement of highways, and providing the same to be worked, improved, and kept up by taxation, and prescribing the duties of township trustees, county treasurer, and board of county commissioners, and repealing all laws conflicting therewith," have had the same under consideration, and report the same back, with the recommendation that it lie on the table.

Mr. Hooker moved to re-commit the bill to the committee for further consideration.

Which was agreed to.

Mr. Bruner, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House Bill No. 199, an act to amend an act entitled "An act providing for the election or appointment of supervisors of highways, etc." beg leave to report, that they have had the same under consideration, and have directed me to report the same back to the House, with the recommendation that it be indefinitely postponed.

Which report was concurred in.

A message from the Senate by the Secretary thereof.

MR. SPEAKER:

I am instructed to inform the House that the Senate has passed House Bill No. 38, entitled "An act to legalize the official acts of the board of trustees of the town of Gosport," which is herewith transmitted for the signature of the Speaker.

Mr. Wood, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee to whom was referred House Bill No. 27, entitled "An act for the improvement of highways, and providing for the assessment, and collection and application of a good road tax, and prescribing the duties of township trustees, county treasurer, board of commissioners and other officers in relation thereto, and repealing all laws in conflict therewith, have had the same under consideration, and report it back with the recommendation that it lie on the table.

Mr. Taylor, moved that the bill be referred to the committee of the whole, and be made the special order for next Thursday, and that such committee be instructed to report upon the following points:

1st. Is it expedient to change the existing law, so as to make the township road tax payable in money instead of labor.

2d. If so, is it expedient to require all or the principal portion of the funds collected on said tax, to be expended and concentrated in the thorough improvement of the leading highways in each township.

Which was not agreed to.

The question recurring on the report of the committee.

It was concurred in.

Mr. Ballenger moved to reconsider the vote concurring in the report of the committee on House Bill No. 27.

Mr. Martin of Putnam, moved to lay the motion on the table.

Which was not agreed to.

The question recurring on the motion to reconsider.

It was agreed to.

Mr. Taylor moved that the bill, with the report of the committee, be referred to a special committee of one from each Congressional District, to be announced by the Speaker.

Which was agreed to.

Mr. Major, from the committee on township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House Bill No. 160, an act entitled an act to amend "An act providing for the election or appointment of supervisors of highways, and prescribing certain other duties, and those of county and township officers thereto, etc.," have had the same under consideration, and report the same back, and recommend that the same lie on the table.

Which report was accepted.

Mr. Biggs moved that the bill be referred to the special committee on roads to be appointed.

Mr. Donham, from the committee on agriculture, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred the following resolution:

"WHEREAS, It is a well known fact that small birds live in a great measure by feeding on insects, which insects, were they not so destroyed by the birds, would sting the fruit and deposit their eggs, thereby destroying large quantities of fruit every year; therefore,

*"Be it resolved,* That the committee on agriculture be requested to inquire into the propriety of bringing in a bill making it a misde-



meanor, punishable by fine, for any person to kill or rob the nests of those little birds at any season of the year."

Have had the same under consideration, and have directed me to report the same back, with the recommendation that it lie on the table.

Mr. Oatley presented the petition of sundry citizens of Washington county on the subject of temperance.

Which was,

On motion,

Referred to the committee on temperance.

Mr. Haynes, from the committee on public expenditures, submitted the following report:

MR. SPEAKER:

Your committee on public expenditures, to whom was referred Senate Joint Resolution No. 6, relative to the adjustment and collection of claims in the State of Indiana, have had the same under consideration, and recommend its passage.

Which was accepted.

Mr. Cauthorn, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House Bill No. 192, entitled "An act vacating streets and alleys when not used for twenty years," have had the same under consideration, and recommend that the same lie on the table.

Which was concurred in.

Mr. Rice, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

Your committee on cities and towns, to whom was referred House

Bill No. 178, have had the same under consideration, and herewith return the same, with the recommendation that it pass.

Which report was accepted.

Mr. Millikan, from the committee on roads, submitted the following report:

MR. SPEAKER:

Your committee on roads, to whom was referred House Bill No. 165, "An act to legalize the proceedings of assessors in assessing and listing lands and lots for plank, macadamized, and gravel roads, the collection of benefits so assessed, and all proceedings of plank, macadamized, and gravel road companies, to repeal the gravel road law of 1869, and declaring an emergency," have had the same under careful consideration, and are unanimous in directing me to offer the following supplemental act marked "A," as a substitute for said bill, and when so amended, recommend its passage:

Substitute for House Bill No. 165. An act supplemental to and amendatory of an act entitled "An act authorizing the assessment of lands for plank, macadamized, and gravel road purposes, prescribing the manner of assessing and collecting the same, and repealing the law on that subject, approved March 11, 1867," the above entitled act having been approved May 14, 1869, and repealing so much of said act as affects such companies not organized at the taking effect of this act.

WHEREAS, Divers assessments of benefits have heretofore been and may hereafter be made for the construction of plank, macadamized, and gravel roads, pursuant to an act authorizing the assessment of lands for plank, macadamized, and gravel road purposes, prescribing the manner of assessing and collecting the same, and repealing the law on that subject approved March 11, 1867, which said act was approved May 14, 1869, and also pursuant to said act approved March 11, 1867, but not in strict conformity with the provisions of said acts; and,

WHEREAS, In said assessments, tracts of land, and city and town lots have been, by the omission and inadvertence of the assessors, omitted from such list and assessment; therefore,

*Be it enacted by the General Assembly of the State of Indiana,*

That no assessments heretofore made, or that may hereafter be made for the construction of any plank, macadamized, or gravel road, and no list of lands, or city or town lots therefor, pursuant to or by authority of the above entitled acts, shall be considered or held to be illegal or void on account of the failure or omission of the assessors appointed to assess such benefits to list or assess any tract of land or town or city lot, or part or fraction thereof, within the prescribed limits; nor shall the collection of the assessments be delayed by reason of such failure or omission, but in such event it is hereby made the duty of the auditor of the county in which such assessors may have been appointed, as soon as he shall be notified that any tract of land, city or town lot, or any fraction or part thereof, within the prescribed limits, has been omitted from such list by mistake or otherwise, to give notice thereof to the assessors appointed and at the time acting pursuant to the act above recited, approved May 14, 1869; and it shall be the duty of such assessors, upon receiving such notice, to proceed to view all the lands, city or town lots, within the prescribed limits before omitted, to make a list of said lands, city or town lots, and to assess the amount of benefits that will result to each such tract of land, city or town lot from the proper construction and maintenance of such road, and report the same to the county auditor in writing, and append to said report their affidavit that the same is correct, fair, just, and equitable, according to the best of their judgment and belief, which report shall be kept on file by such auditor in his office, for the examination and inspection of any person interested therein; and thereupon such proceedings shall be had upon such list and assessment as are prescribed and provided in the act above recited, approved May 14, 1869, and to which this is supplemental; and from and after the filing of such report in the office of the auditor, as aforesaid, such additional and supplemental report and assessment shall have the same force and effect as though the omitted tracts or lots, or portions or parts thereof, had been included in the original list and assessment.

SEC. 2. *Be it further enacted*, That no informality or omission which shall have occurred, or may hereafter occur in the organization or proceeding of any company organized under the provisions of the law, and claiming the benefits of the acts before recited, and having a valid and solvent subscription of at least three-fifths of the estimated cost of construction of said road, if the list or assessment was made or begun under said act, approved May 14th, 1869,

or having a subscription of at least eight hundred dollars per mile of such proposed road, if such list or assessment was made or begun under said act, approved March 11th, 1867, or made or begun after the taking effect of said act, approved May 14th, 1869, on account of rights claimed to have been vested under the said act, approved March 11th, 1867, and for whom a list or assessment of benefits may have been made or begun, or shall hereafter be made pursuant to the aforesaid acts; or in the appointment or proceedings of any of their officers or agents or the assessors, shall effect the rights or privileges of such company, or invalidate the list or assessment of such assessor, or delay the collection thereof; but such informality, irregularity, or omission, may at any time be corrected by the proper officers of such company, assessors and officers of the county as above provided, and all provisions in regard to appeals from assessment boards of equalization, and all other proceedings subsequent to the assessment provided for by the act to which this is a supplemental, shall apply to any and all assessments of omitted property.

SEC. 3. That section seven of the act to which this is supplemental, be and the same is hereby amended to read as follows: Before any such company shall be entitled to receive from the county treasurer any money collected on such assessment, the directors thereof, or a majority of the same, shall file with the county auditor, a bond to be approved by him in a sum equal to the assessment so made, payable to the State of Indiana, conditioned that they will faithfully and honestly apply all moneys by them collected on such assessment, to the legitimate objects of said company, and no money collected on any assessment heretofore made, or which may hereafter be made, shall be appropriated to the payment of any debts or liabilities of such company contracted, or entered into prior to the passage of the act of March 11th 1867.

SEC. 4. That there shall not be any assessment of benefit under the said act, approved May 14th, 1869, for the purpose of building plank, gravel, or macadamized roads, when the company proceeding therefor was not organized at the time of taking effect of this act, and so much of all laws as may authorize the assessments of benefits to companies not organized at the taking effect of this act, be and the same is hereby repealed.

SEC. 5. That an emergency exists for the immediate taking

effect of this act, and that the same shall take effect and be in force from and after its passage.

Which report was accepted.

A message from the Senate, by the Secretary thereof.

**MR SPEAKER:**

I am instructed to inform the House that the Senate has passed Senate Bill No. 23, entitled "An act to constitute the Twenty-Eighth Judicial District," and the same is herewith transmitted to the House for its action thereon.

Mr. Britton, from the committee on roads, submitted the following report:

**MR. SPEAKER:**

Your committee on roads, to whom was referred House Bill No. 124, entitled an act to repeal an act entitled "An act authorizing the assessment of lands for plank, macadamized and gravel road purposes, prescribing the manner of assessing and collecting the same, and repealing the law on that subject," approved March 11th, 1867, approved May 14th, 1869, and declaring an emergency, would respectfully report, that they have had the same under consideration, and recommend that the same be indefinitely postponed, as the same subject matter is embodied in another bill, on which the committee report in favor of its passage.

Pending the consideration of which,

On motion of Mr. Cunningham,  
The House adjourned.

## THURSDAY MORNING.

FEBRUARY 2, 1871, 9 O'CLOCK.

The House met.

Prayer by the Rev. Mr. McCormick, of Princeton, Ind.

The Journal of yesterday was read in part, when,  
On motion of Mr. Major,  
The further reading was dispensed with.

Mr. Cunningham, from the committee on enrolled acts, submitted the following report:

**MR. SPEAKER:**

The committee on enrolled acts have examined enrolled House Bill No. 38, and have instructed me to report that the same is correctly enrolled.

Which report was concurred in.

A message from the Senate by the Secretary thereof:

**MR. SPEAKER:**

I am instructed by the Senate to inform the House that the Senate has concurred in House concurrent resolution in relation to the appointment of a joint committee of four Senators and seven members of the House to consider so much of the Governor's message as relates to the subject of the equalization of the appraisement of real estate, etc., which are herewith returned to the House.

Also, that the Senate has passed Senate Bill No. 32, "A bill to fix the time of holding Courts in the Twenty-Eighth Judicial Circuit, composed of the counties of Johnson, Shelby, and Bartholomew, etc.," and the same is herewith transmitted to the House for its action.

A message from the Senate by the Secretary thereof:

MR. SPEAKER:

I am instructed by the Senate to inform the House that the Senate has passed House Joint Resolution No. 9, being "A joint resolution in regard to the abolition of the franking privilege," which is herewith transmitted.

The question pending at last adjournment, being the consideration of the report from the committee on roads on House Bill No. 124, recommending its indefinite postponement, the same was taken up.

#### SPECIAL ORDER FOR THE DAY.

The hour of 10 o'clock A. M. having arrived, being the hour designated by the House for the consideration of House Bill No. 203, the same was taken up.

In accordance with the order of the House designating the hour for the special order, the House resolved itself into a committee of the whole.

Mr. Wilson was called to the chair.

After remaining in session some time, the committee rose and made the following report:

MR. SPEAKER:

The committee of the whole House have, according to order, had House Bill No. 203 under consideration, have made progress, but not having finished the business, have directed me to report to the House, and ask leave to sit again.

Mr. Sabin moved that the House go into committee of the whole for the further consideration of the bill at 2 o'clock this afternoon.

Which was agreed to.

A message from the Senate by the Secretary thereof:

MR. SPEAKER:

I am instructed by the President of the Senate to inform the

House that he has signed enrolled act of the House of Representatives No. 38, and the same is herewith returned.

Mr. Zenor moved that House Bill No. 100 be recalled from the committee on roads and referred to the special committee on roads.

Which was agreed to.

When,

On motion of Mr. Walker,

The House adjourned.

THURSDAY, FEBRUARY 2, 1871, 2 O'CLOCK P. M.

The House met.

In accordance with the order of the House, the House resolved itself into a committee of the whole for the further consideration of House Bill No. 203.

Mr. Wilson was called to the chair.

After remaining in session for some time, the committee arose and made the following report:

MR. SPEAKER:

Your committee of the whole House, to whom was referred House Bill No. 203, entitled "An act regulating general and special elections, and prescribing the duties of officers in relation thereto, and for the punishment of such officers for the neglect of their duty, and for repealing all laws respecting general elections," have had the same under consideration, and have directed me to report the same back to the House with the following amendments, to wit:

Strike out the last clause of section three.

Insert the following as a substitute for section twenty:

Any person offering to vote, may be challenged by any voter in



such township, precinct, or ward, (as the case may be,) and if the person so challenged insists upon voting, and the challenge be not withdrawn, said board of election or some member thereof, shall administer to him the following oath: You do solemnly swear or affirm, (as the case may be,) that you are a citizen of the United States, that you are over twenty-one years of age, to the best of your information and belief, that you have been a *bona fide* resident of this State for six months immediately preceding this election, that you are now, and have been for twenty days last past a *bona fide* resident of this township, or ward, (as the case may be,) that you recognize no other place as your abode or domicile, that you are generally known by the name in which you now desire to vote, that you have not voted, nor will not vote at any other township, precinct or ward, (as the case may be,) at this election. Such oath shall be written or printed, and signed by the person making such oath, in the presence of such board of elections which oath shall be administered by some member thereof, who shall affix his jurat thereto, which affidavit shall be attached to, and be returned with the poll lists to the office of the county clerk.

Strike out of section 35 the words "and not contested." Add to section 42 the following: "Attorney General, District Attorney, and Judge of the Criminal Court."

Strike out of section 47, the words "one hundred," and insert in lieu thereof "five hundred," and that when so amended, they recommend the passage of the bill.

Message from the Senate by the Secretary thereof.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed Senate Bill No. 136, a bill to fix the time of holding the Circuit Courts in the Eighth Judicial Circuit Court, etc., which is herewith transmitted for the action of the House.

Mr. Neff moved that the House do now take up the special order which was set for 2½ o'clock, but passed over at that hour.

Mr. Williams moved to lay the motion on the table.

Which was not agreed to.

The question recurring on the motion to take up the special order.

It was agreed to.

Mr. McDonald moved a call of the House.

Which was agreed to.

*Those who answered to their names were, Messrs.*

Abbett,	Hartley,	Rhodes,
Ballenger,	Hawley,	Rice,
Barnaby,	Haynes,	Ruddell,
Beeler,	Heilman,	Sabin,
Biggs,	Henderson,	Sansberry,
Britton,	Hendry,	Sayers,
Browning,	Hill,	Simpson,
Bruner,	Holland,	Schoenemann,
Caldwell,	Hooker,	Shutt,
Calkins of Fulton,	Hynes,	Snodgrass,
Calkins of Porter,	Kennedy,	Stanley,
Cauthorn,	Kirkpatrick,	Stephens,
Coggsell,	Knight,	Stephenson,
Conner,	Lines,	St. John,
Copner,	Major,	Stone,
Cox,	Martin of Wayne,	Strickland,
Cunningham,	Martin of Putnam,	Tarlton,
Curtis,	McDonald,	Taughinbaugh,
Davidson,	McDowell,	Taylor,
Defrees,	McFarland,	Tebbs,
Deputy,	Miles,	Walker,
Donham,	Millikan,	Washburn,
Friedley,	Mitchell,	Warrum,
Furnas,	Monroe,	White,
Gallentine,	Montgomery,	Williams,
Goble,	Myers,	Wilson,
Gordon of Boone,	Neff,	Wood,
Gordon of Cass,	Netherton,	Woodward,
Guthrie,	Oatley,	Wymer,
Hardin,	Rawles,	Zenor,
		Mr. Speaker—96.

When,

On motion of Mr. Browning,

Further proceedings under the call were dispensed with.

SPECIAL ORDER FOR THE DAY.

Under the order of the House, directing the immediate consideration of the following Senate concurrent resolution :

*Resolved by the Senate, (the House of Representatives concurring,)* That our Senators and Representatives in Congress, are hereby requested to vote and use their influence to have the tariff act so modified, as to place the prime articles of necessity including tea, coffee, sugar, and salt on the free list.

*Resolved,* That the Governor is hereby requested to forward a copy of this resolution to each of our Senators and Representatives in Congress, also the following pending amendment to the same :

Amend by inserting in the proper place that (the articles named,) be placed upon the free list as soon as the necessities of the government will admit, without embarrassing the payment of our indebtedness.

The same were taken up.

Mr. Ballenger offered the following amendment:

Amend so as to include all articles consumed for food, or worn for clothing.

Mr. Ruddell moved to lay the amendment on the table.

Which was not agreed to.

The question recurring on the adoption of the amendment.

The ayes and noes were demanded by Messrs. Ballenger and Neff.

*Those who voted in the affirmative were, Messrs.*

Ballenger,	Cox,	Gordon of Cass,
Beeler,	Cunningham,	Heilman,
Biggs,	Defrees,	Hill,
Calkins of Porter,	Friedley,	Holland,
Copner,	Gordon of Boone,	Hooker,

Kennedy,	Rhodes,	Taylor,
Lines,	Ruddell,	Washburn,
Major,	Sayers,	Warrum,
Martin of Wayne,	Schoenemann,	White,
McDowell,	Snodgrass,	Williams,
Millikan,	Stanley,	Wilson,
Monroe,	Stephenson,	Wood,
Myers,	St. John,	Wymer,
Neff,	Strickland,	Mr. Speaker—44.
Rawles,		

*Those who voted in the negative were, Messrs.*

Barnaby,	Hardin,	Netherton,
Britton,	Hartley,	Oatley,
Browning,	Hawley,	Rice,
Bruner,	Haynes,	Sabin,
Caldwell,	Henderson,	Sansberry,
Calkins of Fulton,	Hendry,	Simpson,
Cauthorn,	Hynes,	Shutt,
Coggsell,	Kirkpatrick,	Stephens,
Conner,	Knight,	Stone,
Curtis,	Martin of Putnam,	Tarlton,
Davidson,	McDonald,	Taughinbaugh,
Donham,	McFarland,	Walker,
Gallentine,	Miles,	Woodward,
Goble,	Mitchell,	Zenor—45.
Guthrie,	Montgomery,	

So the amendment was not agreed to.

The question recurring on the amendment offered by Mr. Calkins of Porter.

The ayes and noes were demanded by Messrs. Williams and Neff.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Calkins of Fulton,	Deputy,
Ballenger,	Calkins of Porter,	Friedley,
Beeler,	Conner,	Furnas,
Biggs,	Defrees,	Gordon of Boone,

Heilman,	Myers,	Stone,
Hill,	Netherton,	Strickland,
Hooker,	Rawles,	Taylor,
Kennedy,	Rhodes,	Washburn,
Knight,	Ruddell,	White,
Lines,	Sabin,	Williams,
Major,	Sayers,	Wilson,
Martin of Wayne,	Schoenemann,	Wood,
Martin of Putnam,	Snodgrass,	Woodward,
Millikan,	Stephenson,	Wymer—44.
Monroe,	St. John,	

*Those who voted in the negative were, Messrs.*

Barnaby,	Guthrie,	Montgomery,
Britton,	Hardin,	Neff,
Browning,	Hartley,	Oatley,
Bruner,	Hawley,	Rice,
Caldwell,	Haynes,	Sansberry,
Cauthorn,	Henderson,	Simpson,
Cogswell,	Hendry,	Shutt,
Copner,	Holland,	Stanley,
Cox,	Hynes,	Stephens,
Cunningham,	Kirkpatrick,	Tarlton,
Curtis,	McDonald,	Taughinbaugh,
Davidson,	McDowell,	Walker,
Donham,	McFarland,	Warrum,
Gallentine,	Miles,	Zenor,
Goble,	Mitchell,	Mr. Speaker—45.
Gordon of Cass,		

So the amendment did not prevail.

Mr. Holland offered the following amendment :

Amend by adding to articles to be put upon the free list, salt, sole-leather, coal, pig iron and Bessemer steel.

The question being on the adoption of the amendment.

Messrs. Ballenger and Williams demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Ballenger,	Heilman,	Ruddell,
Beeler,	Henderson,	Sayers,
Biggs,	Hill,	Schoenemann,
Britton,	Holland,	Shutt,
Calkins of Fulton,	Hooker,	Snodgrass,
Calkins of Porter,	Hynes,	Stanley,
Conner,	Kennedy,	Stephens,
Copner,	Knight,	Stephenson,
Cox,	Lines,	St. John,
Cunningham,	Major,	Stone,
Curtis,	Martin of Wayne,	Strickland,
Davidson,	McDowell,	Tarlton,
Defrees,	Miles,	Washburn,
Deputy,	Millikan,	Warrum,
Friedley.	Mitchell,	White,
Gordon of Boone,	Monroe,	Williams,
Gordon of Cass,	Montgomery,	Wilson,
Hardin,	Myers,	Wood,
Hartley,	Rawles,	Woodward,
Haynes,	Rhodes,	Wymer—64.

*Those who voted in the negative were, Messrs.*

Abbett,	Goble,	Rice,
Barnaby,	Guthrie,	Sabin,
Browning,	Hartley,	Sansberry,
Bruner,	Hendry,	Simpson,
Caldwell,	Kirkpatrick,	Tarlton,
Cauthorn,	Martin of Putnam,	Taughinbaugh,
Cogswell,	McDonald,	Tebbs,
Donham,	McFarland,	Walker,
Furnas,	Neff,	Zenor,
Gallentine,	Netherton,	Mr. Speaker—30.

So the amendment prevailed.

Mr. Cauthorn moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being, shall the resolution as amended prevail?

The ayes and noes were demanded by Messrs. Ballenger and Williams.

*Those who voted in the affirmative were, Messrs.*

Ballenger,	Hardin,	Rhodes,
Barnaby,	Hartley,	Rice,
Beeler,	Hawley,	Sansberry,
Biggs,	Haynes,	Sayers,
Britton,	Heilman,	Simpson,
Browning,	Henderson,	Shoenemann,
Bruner,	Hill,	Shutt,
Caldwell,	Holland,	Snodgrass,
Calkins of Fulton,	Hooker,	Stanley,
Cauthorn,	Hynes,	Stephens,
Cogswell,	Lines,	Stephenson,
Copner,	Major,	St. John,
Cox,	Martin of Wayne,	Strickland,
Cunningham,	Martin of Putnam,	Tarlton,
Curtis,	McDowell,	Taughinbaugh,
Davidson,	Miles,	Taylor,
Defrees,	Millikan,	Tebbs,
Deputy,	Mitchell,	Walker,
Donham,	Monroe,	Washburn,
Friedley,	Montgomery,	Warrum,
Gallentine,	Myers,	White,
Goble,	Neff,	Wood,
Gordon of Boone,	Oatley,	Wymer,
Gordon of Cass,	Rawles,	Zenor—72.

*Those who voted in the negative were, Messrs.*

Abbett,	Kirkpatrick,	Sabin,
Calkins of Porter,	Knight,	Stone,
Conner,	McDonald,	Williams,
Furnas	McFarland,	Wilson,
Guthrie,	Netherton,	Woodward,
Kennedy,	Ruddell,	Mr. Speaker—18.

So the resolution as amended, was adopted.

*Ordered*, that the Clerk inform the Senate of the passage of the resolution with an amendment thereto.

Mr. Conner moved that the House committee on equalization of railroad taxation be discharged.

Which was agreed to.

The Speaker announced the names of the following members of the House, on the joint committee from the House and Senate, on equalization of railroad taxation :

Messrs. Gentry, Warrum, King, Miles, Conner, Stone and Wood.

Leaves of absence were granted as follows:

Mr. Rawles, until Monday.

Mr. Holland, until Tuesday.

Mr. Calkins of Porter, until Tuesday.

Mr. McDowell, until Monday.

Mr. Cauthorn, until Monday,

Mr. Hardin, until Tuesday.

Mr. Sansberry, from the committee on the organization of courts, submitted the following report:

**MR. SPEAKER:**

Your committee on the organization of courts, have had under consideration House Bill No. 116, entitled an act to amend an act entitled "An act to organize a Supreme Court, and prescribing certain duties of the judges thereof," approved May 13th, 1852, creating an additional judge of said court, and declaring an emergency, report the same back, and recommend its passage.

Which report was accepted.

Mr. Sansberry, from the committee on the organization of courts, submitted the following report:

**MR. SPEAKER:**

Your committee on the organization of courts, having had under consideration House Bill No. 68, entitled "An act to amend an act entitled 'An act districting the State for the purpose of electing



four Judges of the Supreme Court,' approved February 19, 1852, and creating the Fifth District," report the same back, and recommend its passage.

Which was accepted.

Mr. Copner presented the petition of sundry citizens in relation to female suffrage.

Which was,

On motion,

Referred to the committee on rights and privileges.

Mr. Furnas, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House Bill No. 62, on its third reading, with instructions, respectfully report the bill back, with the following amendments, and, when so amended recommend its passage:

Amend section three by striking out the word "February" in third line, and insert "January."

Amend by inserting between sections four and five the following section, which shall be numbered section five:

It shall be unlawful to shoot or destroy any duck, Blue Wing, Green Wing, Teal, Widgeon, or Wood Duck, between the fifteenth day of April and the fifteenth day of September of each year. Any person violating the provisions of this act shall be fined in the sum of three dollars for each duck so killed.

Amend by changing the number of section five to six, section six to seven, section seven to eight, section eight to nine, section nine to ten, section ten to eleven.

Which report was concurred in.

Mr. St. John, from the special committee on House Bill No. 173, submitted the following report:

MR. SPEAKER:

The committee, to whom was referred House Bill No. 173, have

had the same under consideration, and ask to report the same back to the House with the following amendments, to wit:

In the county of Hancock on the first Monday of February and the first Monday of September in each year.

Again, in section two, amend so that the Courts in Hancock county shall hold four weeks at each term, if the business shall so long require.

And when so amended, recommend that the same pass.

Which report was concurred in.

Mr. Cauthorn introduced

House Bill No. 207. An act to amend an act approved January 27, 1847, entitled "An act granting to the citizens of the town of Evansville, in the county of Vanderburg, a city charter," by adding supplemental sections thereto for the government of the water works of said city.

Which was read a first time, and,

On motion,

Referred to the committee on cities and towns.

Leave of absence was granted Mr. Coggsell until Tuesday.

The business pending at adjournment this morning being the consideration of the report from the committee on roads on House Bill No. 124, the same was taken up.

The question being, shall the report be concurred in?

The ayes and noes were demanded by Messrs. Cox and Cunningham.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Cauthorn,	Furnas,
Ballenger,	Conner,	Goble,
Beeler,	Curtis,	Gordon of Boone,
Biggs,	Defrees,	Guthrie,
Britton,	Deputy,	Hartley,
Browning,	Donham,	Heilman,
Calkins of Porter,	Friedley,	Hendry,

Hill,	Montgomery,	St. John,
Holland,	Myers,	Stone,
Hooker,	Netherton,	Strickland,
Hynes,	Rhodes,	Tarlton,
Kirkpatrick,	Rice,	Taughinbaugh,
Knight,	Ruddell,	Taylor,
Lines,	Sabin,	Tebbs,
Major,	Sansberry,	Washburn,
Martin of Wayne,	Sayers,	Warrum,
McDonald,	Schoenemann,	Williams,
McFarland,	Shutt,	Wilson,
Miles,	Snodgrass,	Wood,
Millikan,	Stanley,	Woodward,
Monroe,	Stephenson,	Zenor—62.

*Those who voted in the negative were, Messrs.*

Bruner,	Gallentine,	Mitchell,
Caldwell,	Gordon of Cass,	Neff,
Copner,	Hawley,	Walker,
Cox,	Haynes,	Wymer,
Cunningham,	Henderson,	Mr. Speaker—17.
Davidson,	Martin of Putnam,	

So the report was concurred in.

Mr. Mitchell offered the following resolution :

*Resolved*, That M. R. Hull, Esq., be tendered the use of the Hall of the House of Representatives some evening after adjournment, for the purpose of delivering a lecture on Peace.

Mr. Wilson moved to lay the resolution on the table.

Which was agreed to.

Mr. Martin of Wayne, from the committee on roads and highways, submitted the following report :

MR. SPEAKER:

Your committee, to whom was referred House Bill No. 54, "A bill providing for the election or appointment of supervisors of

highways, and prescribing certain of their duties and those of county and township officers in relation thereto, and repealing all laws and parts of laws coming in conflict herewith," have had the same under consideration, and report the same back, with the recommendation that it lie on the table.

Which was concurred in.

Mr. Britton, from the committee on roads, submitted the following report :

MR. SPEAKER :

Your committee on roads, to whom was referred House Bill No. 109, entitled an act to amend the thirty-ninth (39) section of an act entitled "An act to provide for the opening, vacating, and change of highways," would respectfully report they have had the same under consideration, and recommend that the same be indefinitely postponed.

Which report was concurred in.

Mr. Tarlton, from the committee on roads, submitted the following report :

MR. SPEAKER :

Your committee on roads to whom was referred House Bill No. 127, entitled an act to repeal an act entitled "An act authorizing the assessment of lands for plank, macadamized and gravel road purposes," approved May 14th, 1869, would respectfully report that they have had the same under consideration, and recommend that the same be indefinitely postponed.

Which was concurred in.

Mr. Millikan, from the committee on roads, submitted the following report :

MR. SPEAKER :

Your committee on roads to whom was referred House Bill No. 86, entitled an act in relation to road tax, have had the same under consideration, and have instructed me to report the same back with the recommendation that it lie on the table.

Which was concurred in.

Mr. McDonald, from the committee on the judiciary, submitted the following majority report:

MR. SPEAKER:

The judiciary committee, to whom was referred House Bill No. 20, entitled an act to abolish the office of Agent of State, and authorizing the Governor, by and with the advise of the Senate, if deemed necessary, to appoint a temporary agency in the city of New York, have considered the same, and have come to the following conclusions:

The office was created many years ago for the convenience and safety of the financial interests of Indiana, and to secure great public objects connected therewith, by the acts of 1846-47, providing for the funded debt of Indiana, known as the "Butler Bills," the agency of which, it is now proposed to abolish, was made a part of that arrangement with the bondholders, and the State provided to maintain an agency for the reception and cancellation of the old bonds. The issue of new certificates of indebtedness, the transfer of such certificates on books to be kept for that purpose, and doing and performing other matters for the convenience of those who hold certificates of State indebtedness.

There is yet outstanding, as is confessed, one hundred and ninety-one bonds of the old debt of Indiana, with accrued interest for more than thirty years.

The committee is of the opinion that a larger number of these old bonds are yet unsurrendered, under the acts of 1846-47, and that time will prove the correctness of this opinion. But be that as it may, the State should hazard nothing by a departure from any of the pledges made to the bondholders. For more than twenty years this agency has been maintained, and all the facilities which were provided, have been cheerfully accorded to those who surrendered their bonds, making a fair division of their old bonds between the State and the Wabash and Erie Canal. This was the spirit and essence of the "Butler Bills," referred to, and to which the State of Indiana has adhered for nearly a quarter of a century. If that contract was a fair one, as this committee believes, the State should not fail to afford to the present holders of the old bonds, and the possessors of the new certificates, the same facilities which have been accorded to others.

H. J.—29

The acts of 1846-47, were regarded at the time, and are so now, as a fair settlement of the old bonded debt, and one to which the State should rigidly adhere.

A very large majority, in number and value, came into that arrangement, and placed Indiana in a condition by which she was enabled to discharge her obligations to her creditors. The owners of bonds yet outstanding, should have an opportunity to surrender to the Agent of State, as all others have done, their evidence of debt against the State, and take the same payments which others have received many years ago.

This House should do nothing which will give a color of partiality to its action. The old bonds were all alike provided for in the acts of 1846-47, and every holder of these old bonds be compelled to accept the provisions made as a just and fair settlement.

On the other hand, the State should keep its agent in New York, and continue to invite the surrender of the outstanding bonds, be they more or less. The path of safety is in a rigid adherence to the provisions of the "Butler Bills," and against all special favor to any class of bondholders. There should be fairness and justice meted out to all the State creditors.

The fact is acknowledged that the State is bound to keep in New York, an agency of some sort, and the only question is whether the General Assembly will delegate its power to the Governor or any other officer.

That however is not safely lodged in the hands of the two Houses, where it should remain, and where the present law places it. The pending bill provides that the Governor, by and with the consent of the Senate, shall have power to appoint a temporary agent or agents, in the city of New York, and to pay such agent or agents a just and fair compensation for the performance of the duties aforesaid.

This is the bill in substance. Who the agent or agents will be, is left to the Governor, and the just and fair compensation of those agents is also lodged in his hands.

The committee is unable to see what is to be gained by a change of the existing law. It may place in office a person who could not get the indorsement of this House, and the compensation might far exceed the present expenses of the agency, as it now exists by law.

Considering the question as it is presented by the bill and looking

to the effect it might have on the pledges of the State, the committee are of the opinion that legislation on the subject as to the abolition of the office at the present session, is unwise, and should be deferred to a more auspicious period.

With these views, briefly expressed, a majority of the committee recommend that House Bill No. 20 be indefinitely postponed.

Respectfully submitted,

ISAIAH B. McDONALD,  
Chairman.

Mr. St. John, from the same committee, submitted the following minority report:

MR. SPEAKER:

The undersigned being a minority of the committee, to whom was referred House Bill No. 20, providing for the abolition of the Agent of State, and providing for the appointment by the Governor of a temporary Agent of State, submit the following minority report:

The minority differ from the majority in opinion, in this, that there exist but few, if any, of the necessities for such agency, which demanded its creation.

That it is understood, that but 191 of the original bonds, the payment of which was provided through such agency, and those bonds are at present in litigation in the courts of this State.

*Second.* The holders of such bonds have had due notice of the readiness of the State to make payment of all outstanding Internal Improvement Bonds upon presentation, which the State was liable to pay, and have elected to go into the courts rather than present the same at the agency in New York.

*Third.* The bill provides for the appointment of a temporary agency by the Governor, for the purpose of making settlement and satisfaction of such outstanding bonds as the State may be liable to pay.

The minority therefore recommend the passage of the bill, with the following amendment to the second section: *Provided, however,* that such temporary agent as may be appointed by the Governor,

shall receive a compensation not to exceed one thousand dollars per year, including office rent and expenses.

O. M. WILSON,  
GEO. W. FRIEDLEY,  
CALKINS of Fulton,  
R. F. ST. JOHN.

Mr. McDonald moved that both reports be made the special order for Tuesday next, February 7th, at 10 o'clock A. M.

Which was agreed to.

Mr. Copner presented the petition of sundry attorneys of Montgomery county, relating to the salaries of judicial officers.

Which was,

On motion,

Referred to the committee on the judiciary.

Mr. Martin of Wayne, presented the petition of sundry citizens of Wayne county on the subject of divorce.

Which was,

On motion,

Referred to the committee on rights and privileges.

Mr. Martin of Wayne, presented the petition of sundry citizens of Wayne county, on the subject of prison reform.

Which was,

On motion,

Referred to the committee on reformatory institutions.

Mr. Lines presented the petition of sundry citizens of Henry county, on the subject of gravel roads.

Which was,

On motion,

Referred to the committee on roads and highways.

Mr. Deputy moved that the House do now adjourn.

Which was not agreed to.

Mr. McDowell offered the following resolution:

*Resolved*, That there be appointed a select committee consisting



of one from each Congressional District, and one from the State at large, to report a bill to re-district the State for congressional purposes.

Which was not agreed to.

Mr. Taylor offered the following resolution:

WHEREAS, It is estimated by the Auditor of State that there will be on hand on the first day of July next in the treasury of the State, a surplus to the credit of the State debt sinking fund, which has been raised by taxation, and which will not be needed for the purpose for which it was raised, amounting to six hundred and fifty thousand dollars; and,

WHEREAS, In the opinion of this House the best disposition that can be made of that fund is to pay it into the general fund, and thus lessen the rate of taxation for State purposes for the next two years; therefore,

*Resolved*, That the committee on ways and means be instructed to prepare and report a bill providing for the payment into the general fund of the treasury, of all the money that is now on hand, or which may be within the next two years paid into the treasury from taxation, to the credit of the State debt sinking fund, and which may not be needed for the purposes for which it was collected.

Which was agreed to.

Mr. Taylor introduced

House Bill No. 208. An act to promote the science of medicine and surgery in the State of Indiana, and providing penalties for the violations of its provisions.

Which was read a first time, and,

On motion,

Referred to the committee on rights and privileges.

Mr. Taylor offered the following resolution:

WHEREAS, At the last session of the Legislature a claim of Jared Cothrell for thirteen cords of wood furnished, and seventeen days' hauling of commissary stores for the 143d Regiment Indiana Volunteers at Camp Allen, in 1863, was presented, referred to the

committee on claims, reported upon favorably, incorporated into the special appropriation bill and then lost by the adjournment of the House pending the passage thereof; therefore,

*Resolved*, That the committee on claims be instructed to inquire into said claim, and report whether it ought to be allowed.

Which was agreed to; when,

On motion of Mr. Williams,

The House adjourned.

## FRIDAY MORNING.

FEBRUARY 3, 1871, 9 O'CLOCK.

The House met.

Prayer by the Rev. Mr. Sloss.

The Journal of yesterday was read in part, when,  
 On motion of Mr. Hartley,  
 The further reading was dispensed with.

Mr. Abbett presented the petition of sundry citizens of Bartholomew county on the subject of temperance.

Which was,

On motion,

Referred to the committee on temperance.

Leave of absence was granted the committee on benevolent institutions for to-day.

Mr. Calkins, of Porter, introduced

House Bill No. 209. An act allowing appeals from orders of common councils of cities in certain cases.

Which was read a first time, and passed to a second reading.

Mr. Browning introduced

House Bill No. 210. An act to provide for the selection of depositories for the safe keeping of public moneys.

Which was read a first time, and,

On motion,

Referred to the committee on county and township business.

Mr. McFarland offered the following resolution :

*Resolved*, That the committee on temperance be directed to return

to this House, Bill No. 125, with their report on the same, at an early day.

•Which was agreed to. •

Mr. Barnaby introduced

House Bill No. 211. Entitled an act authorizing affidavits made in other States to be sworn to before notaries public.

Which was read a first time, and,

On motion,

Referred to the committee on the judiciary.

Mr. Barnaby introduced

House Bill No. 212. An act to regulate the weight of mineral coal mined without the State.

Which was read a first time, and passed to a second reading.

Mr. Caldwell introduced

House Bill No. 213. An act regulating the fees and salaries of certain county officers, and repealing all laws in conflict therewith.

Which was read a first time and passed to its second reading.

Mr. Caldwell moved that two hundred copies of the bill be printed.

Which was not agreed to.

Mr. Caldwell introduced

House Bill No. 214. An act supplemental to an act entitled "An act authorizing county recorders and county surveyors to issue fee-bills," approved March 3, 1855.

Which was read a first time, and passed to a second reading.

Mr. Haynes introduced

House Bill No. 215. An act supplemental to an act entitled "An

act regulating descents and the apportionment of estates," approved May 11, 1852.

Which was read a first time, and,

On motion,

Referred to the committee on claims.

Mr. Tebbs introduced

House Bill No. 217. An act authorizing county commissioners to levy a tax for the purchase, construction and repairs of plank, macadamized and gravel roads, and prescribing the manner of disbursing the same.

Which was read a first time, and,

On motion,

Referred to the committee on highways.

Mr. Strickland introduced

House Bill No. 218. An act to confirm and make valid sales of real estate in the State of Indiana made by trustees and domestic and foreign executors, and declaring an emergency.

Which was read a first time, and passed to its second reading.

Mr. Snodgrass introduced

House Bill No. 219. Entitled an act to amend the sixteenth section of "An act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto," approved March 5, 1859.

Which was read a first time, and,

On motion,

Referred to the committee on roads.

Mr. Britton offered the following resolution:

*Resolved*, That the committee on railroads be requested to inquire into the necessity of a law subjecting railroads, either partially or entirely completed, to taxation between the years of appraisement for taxation, and report by bill or otherwise.

Which was,

On motion,

Referred to the special joint committee on railroad taxation.

Mr. Williams introduced

House Bill No. 220. An act to amend an act entitled "An act authorizing the construction of plank, macadamized and gravel roads," approved May 12, 1852.

Which was read a first time, and passed to its second reading.

Mr. Williams introduced

House Bill No. 221. Entitled an act regulating the sale of intoxicating liquors, and authorizing the collection by law, of damages resulting from the sale of the same.

Which was read a first time, and,

On motion,

Passed to a second reading.

Mr. Defrees presented the petition of sundry citizens of Kosciusco county on the subject of the tax on the Goshen, Warsaw and White Pigeon Railroad.

Which was,

On motion,

Referred to the committee on railroads.

Mr. Defrees introduced

House Bill No. 222. An act to authorize the Board of County Commissioners of the several counties, to purchase dockets for Justices of the Peace.

Which was read a first time, and,

On motion,

Passed to a second reading.

Mr. St. John introduced

House Bill No. 223. An act relating to schools, and providing against re-distributing school funds in certain cases.

Which was read a first time, and,

On motion,

Passed to its second reading.

Mr. Minick introduced

House Bill No. 224. Entitled an act to provide for the payment of the salaries of Common Pleas Judges out of the State Treasury, and to provide for the payment of the docket fees of such courts into the treasury of the State.

Which was read a first time, and,

On motion,

Referred to the committee on fees and salaries.

Mr. Conner introduced

House Bill No. 225. Entitled an act to legalize the ordinances, acts, assessments and resolutions, of the Board of Trustees of the town of Noblesville, Indiana, during the year 1870.

Which was read a first time, and,

On motion,

Passed to its second reading.

Mr. Millikan presented the petition of sundry attorneys of Henry county, in reference to the compensation of judicial officers.

Which was,

On motion,

Referred to the committee on fees and salaries.

Mr. Furnas offered the following resolution :

WHEREAS, We, the members of this House, in due appreciation of the efforts of our efficient Speaker to further the business of this House; therefore,

*Resolved*, That we hereby pledge ourselves to make no motion for adjournment in the afternoon session of each day, until half-past five o'clock P. M.

Mr. Wilson moved to lay the resolution on the table.

Which was agreed to.

Mr. Furnas presented the memorial of the Stone Cutter's Association, asking the use of the Hall of the House of Representatives on Saturday evening, February 4th, 1871, at 7½ o'clock P. M., for

the purpose of making arrangements for the funeral of one of the members of said association.

On motion of Mr. Furnas,

The request of the memorialist was granted.

Mr. Furnas presented three petitions from citizens of Hendricks county, on the subject of temperance.

Which was,

On motion,

Referred to the committee on temperance.

Mr. Haynes presented a petition, asking the enactment of a law suppressing the traffic in intoxicating liquors.

Which was,

On motion,

Referred to the committee on temperance.

Mr. Kirkpatrick offered the following resolution :

*Resolved*, That the committee on fees and salaries, be instructed to consider the propriety of transferring all the duties and records, in relation to the issuing of marriage licenses from the clerk's of courts to the recorders of counties.

Which was,

On motion,

Referred to the committee on fees and salaries.

Mr. Kirkpatrick presented various petitions from citizens of Howard county, entitled a petition for the repeal of all divorce laws except that section which provides for a divorce for the crime of adultery.

Which was,

On motion,

Referred to the judiciary committee.

A petition to repeal the most objectionable features of our divorce laws.

Which was,

On motion,

Referred to the judiciary committee.



A petition, praying for the creation of a board for supervisors, etc., for reformatory institutions.

Which was,

On motion,

Referred to the committee on reformatory institutions.

Mr. Washburn presented the petition of the members of the bar and the officers of Pulaski county, asking that said county be attached to the Twenty-fifth Common Pleas District.

Which was,

On motion,

Laid temporarily on the table.

Mr. Washburn introduced

House Bill No. 216. An act to protect fur-bearing animals.

Which was read a first time, and,

On motion,

Referred to the committee on agriculture.

#### SPECIAL ORDER FOR THE DAY.

The hour of 10 A. M. having arrived, being the hour designated by the House for the consideration of all matters in the contested election case of Wile vs. Schoenemann.

The same was taken up.

Mr. Cauthorn, from the committee on elections, offered the following resolution :

*Resolved*, That William Schoenemann, Representative elect to this General Assembly, for the county of Laporte, being disqualified by the Constitution from holding a seat in this House, by virtue of his having held prior to, and on the day of the commencement of the present session, the office of Deputy Postmaster, at Michigan City, Indiana, an office created and held under the authority of the United States, and the annual compensation thereof being over ninety dollars per annum, the seat is hereby declared to be vacant and the Clerk of this House is ordered to notify the Governor of said vacancy without delay.

*Resolved*, That the resolutions recommended by the committee on elections, as well as the resolutions recommended by the committee on the judiciary, in reference to this case, be and the same are severally ordered to lie on the table.

Mr. Wilson, from the judiciary committee, submitted the following majority report:

MR. SPEAKER:

The committee on judiciary, to whom was referred the report of the committee on elections in the case of Wile vs. Schoenemann, wherein said committee recommend the adoption of a resolution declaring the sitting member from the county of Lapore not entitled to his seat by reason of ineligibility in this, being at the time of his election Deputy Postmaster at Michigan City, herewith submit the following report dissenting from the opinion expressed by said committee.

The case, briefly stated, is as follows:

On the 11th day of October, 1870, Schoenemann, the contestee, was elected the Representative from Laporte county to the General Assembly by a majority of two hundred and seventy-five votes over the contestor, his only competitor. At the time of his election, he held the appointment of Deputy Postmaster at Michigan City, in said county, and continued to hold said appointment until November 17, 1870, when he resigned his office as such Postmaster, addressing his resignation to the Postmaster General, whom he then thought the proper person and officer to receive it. Afterwards ascertaining that such resignation should have been directed to the President, he accordingly, in due form, forwarded to the President his resignation as Postmaster, in these words:

*(Copy not furnished.)*

On the 5th day of January, A. D. 1871, he presented his certificate of election at the bar of this House and was duly sworn in as a member of the General Assembly.

The report of the committee on elections declares the contestee ineligible by reason of holding an office at the time of his election to this House.

We are unable to agree with the conclusion of the committee for the following reasons:

1. It is against established precedent and the *lex et consuetudo* of Parliament.

2. It is against the object, spirit, and meaning of our Constitution.

3. It is not sustained by law.

In support of the first proposition, reference will be had to the law and custom, as well as jurisdiction, of Parliament; for "the legislative assemblies of the United States having all been constructed upon the model of the two Houses of the British Parliament, the forms of proceeding which prevail in the latter have been adopted by them as their common parliamentary law, and upon that has been engrafted the peculiar usages which distinguish the various systems of parliamentary practice in this country, precisely as upon the basis of the common law of England the different legal systems of the several States have been established." Cushing Law and Practice of Legislative Assemblies, Sec. 697.

"The Constitution of the United States and of almost all the States contain provisions relating to the incidental powers of the legislative assemblies, and they do not in any degree change, either by enlarging or diminishing, the powers of jurisdiction recognized by the ordinary parliamentary law." Same, 684.

When, therefore, the framers of our Constitution engrafted therein the tenth section in article four, providing that "Each House, when assembled, shall choose its own officers, judge the elections, qualification and returns of its own members, and sit upon its own adjournment," as well as that other section fourteen which provides that "Either House may punish its own members for disorderly behavior, and may, with the concurrence of two-thirds, expel a member," and that other section sixteen—"Each House shall have all powers necessary for a branch of the legislative department of a free and independent State," they were simply following the precepts which had withstood the innovation of centuries "as a part of the unwritten law, and as such only to be collected out of the rolls of Parliament and other records, and by precedents and continued experience." Coke Inst.

They found that these privileges and this power and authority, in making, conforming, enlarging, restraining, abrogating, repealing, revising and expounding of laws so transcendent and absolute, could nowhere better be preserved than in our Constitution, thus recognizing the doctrine of the wisest statesmen and greatest lawyers, through a long succession, from Sir Edward Coke and Mr.

Seldon to the Earl of Hardwicke, Lord Kenyon, Erskine, Mansfield, even to the present Lord Chancellor of England, "that matters moved in Parliament shall be managed, adjudged and discussed by the course of Parliament, and in no sort by the law civil or by the common law of the land used in the other lower courts." Coke Inst., Lex Parl., 83.

For "as," Sir Edward Coke says, "every court of justice hath laws and customs for its direction—some by the common law, some by the civil and canon law—so the High Court of Parliament *suis propriis legibus et consuetudinibus consistit*, and it is only by the *lex et consuetudo parliamenti* that all weighty matters concerning the peers of the realm or commons in Parliament assembled ought to be discussed, adjudged and determined." Coke Inst. This will not be denied.

In order, therefore, to get a complete and intelligent view of the law and practice of our legislative assemblies, it will be necessary to understand fully and distinctly the law and practice of the British Parliament, (Cushing, 698); for what is given to the Legislature in our Constitution is simply an inheritance from the Parliament and statute law of England, which, for nearly three centuries, has been claimed and is recognized as the acknowledged franchise of the Lords and Commons, that they are the judges of the elections and qualifications of their own members, to be determined only by the law of Parliament. May, 40, 42. And it will be seen that our Constitution, in its grant of jurisdiction regarding election, is identical with that exercised by the Commons, which has no control, and never claimed to have, over the eligibility of candidates, except in the administration of the laws which define their qualifications. May 42. We are compelled, therefore, in our examination of this case to consider it with reference to its identity and application to like cases determined in Parliament under laws, though more certain and defined, yet not so limited as the language of our Constitution would seem in such cases in the use of a single word to limit its sense and meaning. "It is not the words of the law," says the ancient Plowden, "but the internal sense of it that makes the law. The letter of the law is the body, the sense and reason of the law is the soul." "Every statute ought to be expounded, not according to the letter, but according to the meaning." Dwaris, 572. We ask, then, for a determination of this case upon the recognized and accepted interpretation of the law established for centuries in the British Parliament, and as the House of Commons is in such cases a

court of judicature, (Dwarris, 299,) so can it be said that this House has special and exclusive jurisdiction under our Constitution for the same purpose, and we submit that in the exercise of this high discretionary power "great deference is certainly due to a legislative exposition of a constitutional provision, and especially when it is made almost contemporaneous with such provisions, and might be supposed to result from the same views of policy and modes of reasoning which prevailed among the framers of the instrument expounded." 2 Wend., 266, 274. Recognizing this high power and the precedents established thereupon, we claim that this case should be determined by these precedents based upon the statute law from which our own system of laws is drawn, and the spirit of which so fitly dwells in the great charter of our liberties and declared rights; for when determined, our proceedings can not be reviewed nor our judgment suspended by any other court or tribunal. C. L. P., 649.

We ask a comparison between the laws upon which a succession of precedents has been drawn, and the language of our own Constitution upon which the resolution of the committee is moved. By the 7th of George II, c. 16, s. 4, "No Judge of the Court of Sessions, or Justiciary or Baron of the Court of Exchequer, in Scotland, shall be capable of being elected, or of sitting or voting." By the 22d of George III, c. 45, "No person who shall hold or enjoy any contract entered into for the public service, shall be capable of being elected, or of sitting or voting, as a member of the House of Commons, nor any person holding any office, or place of profit under the Lord Lieutenant, or Lord's Justice, enacted since the 33d George III, shall be capable of being elected or chosen."

Persons having or holding new offices under the crown, created since 1705, are incapable of being elected or of sitting and voting as members. 6th Anne, c. 7, s. 25. See *Fifis case*, 1st Luder 455, *Whittle-Harvey's case*, 1839, *Der Solme English Constitution* 622. "Nor any person having a pension from the crown, shall be capable of being elected, or of sitting or voting as a member of the House of Commons." Commissioners of the Revenue in Ireland, and their deputies or clerks, (and many other classified officers,) are all disqualified, not only from being elected, but also from sitting and voting, as members of Parliament. 22 George III, c. 45.

Any person who shall directly or indirectly	*	*	*
execute, hold, or enjoy	*	*	*
			any contract, agreement

or commission of His Majesty's Treasury, Navy, etc., shall be incapable of being elected, or of sitting, or voting as a member of the House of Commons, and any person being a member who shall enter into such contract, or having entered into it shall continue to hold it, his seat shall be void, (same.)

Now what is the language of our Constitution. Sec. 9, of art. 2, reads as follows:

"No person holding a lucrative office, or appointment under the United States, or under the State, shall be eligible to a seat in the General Assembly."

It must indeed be a mind of extraordinary power and analysis that can detect a distinction between this section, and that law which has been so often interpreted in Parliament, to which reference has just been made. If indeed there is a distinction, it is without a difference except in this, that the law of England goes farther, so far as to disqualify in certain cases, persons not only from sitting, but from being elected, and being elected voting.

The law of Parliament, or Statute Law of England, as well as our own laws of Congress, recognize two grades of members. 1st. Those qualified to be elected and to sit and vote, and, 2d. Those qualified to be elected and sit without voting. The same qualifications are not required, nor can they be possessed in one sense for both purposes. This distinction or grade is recognized in our own law. By act of March, 1817, delegates to Congress are entitled to a seat with the right of debating, but not voting, they may make motions, except a motion to reconsider, which being dependent upon a right to vote, can not be exercised by a delegate. House Journal 2, 30, 503, 1, 31, 1280, 21, Cong. Globe, 1,606, and 1,607.

No section in our Constitution declares a disqualification where these qualifications are of the same nature as those required of an elector, except sec. 16, art. 7. Under this section he is not eligible to any other than a judicial office, during the term for which he was elected thereto. Here the language is explicit, it declares what constitutes ineligibility, which shall disqualify him for an election. Section 9 declares simply, that one holding office shall not be eligible to a seat, in other words, with the exception in said section he could not, while he held one office, possess another and hold both. It is a principle of law that where a question arises as to the construction or expounding a will, it is not what the testator meant as distinguished from what his words express, but simply what is the literal

meaning of the words. Dwaines' 561. Construing then, with purity of reasoning, the words "eligible to a seat" in their grammatical, and natural sense, the mind must indeed be dark that refuses to receive their accepted signification as against the words "eligible to an election." In what a labyrinth of nonsense, and contradiction would men involve themselves when forsaking the rules of evidence, they would draw conclusions from words in contradiction to language and in defiance of common sense. If ineligibility to a seat means ineligibility to an election, or if the former can relate back to the time when ineligibility existed, at some time past, then we must believe that in the construction of our laws when one thing is said, another is meant, and that a man means one thing because he says another.

Under the head "disqualifying offices, or employments," in section 78, of Cushings' Law and Practice of Legislative Assemblies, the principle there laid down is in these words, "disqualifications of this kind result from the holding of certain employments, commissions, and professions, the functions of which are deemed incompatible with the proper discharge of the duties of a member, but of which one may divest himself at pleasure, and which are therefore relative, rather than absolute. In general, as these disqualifications are not desired from the personal character of the individual, or inflicted by way of punishment, they do not render him eligible, that is, incapable to be elected, but prevent him from assuming the functions of a member until they are removed. Paynter's Practice on Elections, Douglas 1, 143, Douglas 2, 450. But this depends upon the language used in reference to each particular disqualification, and the time to which it relates. Thus where it is said that no person holding a particular office, etc., "shall have a seat," "shall be a member," "shall at the same time have a seat," "shall hold a seat," shall be capable of being a member," shall be capable of holding an office," "shall act as a member." The disqualification relates to the time of assuming the functions of a member. See cases of Contested Elections, 291, 314, 316, but where the following terms are used "shall be incapable of being elected," the disqualification relates to the time of the election. Section 16, article 7, clearly comes within the purview of the last clause of this section, providing that "no person elected to a judicial office shall be eligible to to another," etc. It needs no reasoning to show upon what grounds this line of precedents, touching the qualification of members upon

this very same question, has been established by the Law of Parliament, and indeed other tribunals in cases of contested elections, from which no deliberative body has as yet deemed a departure wise or justifiable. The same rule has ever obtained in Courts, that in construing acts of Parliament and other instruments, the only means is to take their words in their ordinary grammatical sense, according to the natural and most obvious import of the language, without resorting to subtile and forced constructions, for the purpose of either limiting or extending their operation.

6 Exch., 328, 333, 20 Wend. 555, 556, 557, 1 Wheat 326. 18 Barb., 451.

Further: The committee on elections claim that by reason of holding an office at the time of his election, the contestee is disqualified, though he may have relinquished all claims to said office, since his election and before taking his seat.

We think otherwise, and we respectfully submit that at the time of the election to the General Assembly, one holds an office, the holding of which is not by the letter of the Constitution, a disqualification for any other office at the time, if he divests himself of that office before taking his seat, he is eligible. To sustain this proposition, we cite 2 Hatsel's Precedents 52, Clerk on Election Committees, 1852, 165; Commons Journals 18 January, 1717; 20 May, 1715; 1 Luder 72, 445; 38 Common Journal 15, 245, 415, 689; Clifford's Reports, 1796, 131, 222, 251, 342, 343; 1 Peck, 526.

The determinations in Parliament on this question have been accepted and followed for many years by all legislative assemblies where there was not, by special construction, a constitutional provision to the contrary. In support, therefore, of our proposition we cite a few of the determinations in the House of Commons:

"On the 5th of February, 1708, Sir Richard Allen is declared duly elected for Dunwich on the hearing of his petition. On the 7th of February, he surrenders an office to the customs for life, to which he had been appointed in May, 1678. On the 8th of February, this surrender is enrolled, and on the 9th of February he desires the sense of the House before he takes his seat, and upon reading the letters patent and surrender he is admitted to take his seat."

"On the 16th day of April, 1728, it is resolved by the committee of elections that Mr. Ongley, having an office in the customs at the time of his election, is capable of claiming to sit." 2 Hats. Prec.,



33. "The idea," says Hatsel, "of excluding from the House of Commons one who holds an office in the government of the country and who, from that situation, is the best qualified to give the necessary information to the department which he belongs to, is too absurd to be seriously maintained for a moment." Same; 47.

Another case cited in Hatsel is that of Lord Althorpe. He was chosen member of the House of Commons April 4th, 1782, for Northampton. On Wednesday, the 3rd of April, at a meeting held to consider of a proper person to represent the county of Surrey, Lord Althorpe was nominated and unanimously approved of, and at the election on Wednesday, the 10th of April, he was elected Knight of the Shire for that county. It was held that Lord Althorpe, being elected and returned for Northampton, was not eligible for Surrey without first vacating his seat, and, on the 8th of April, he accordingly vacated his seat for Northampton. Same.

With these determinations, selected from many others, we turn to those of more recent decision in Congress, and as they bear so directly on the case at bar, we ask that indulgence commensurate with the importance of this case.

In the case of *Hammond vs. Herrick* determined in the Fifteenth Congress, first session, 1817, the principle is laid down that though the sitting member may have held office at the time of his election to the House, by resigning that office before the session, he is eligible to a seat in the body.

The case at bar is direct in point. Schoenemann, the contestee, was, at the time of his election, October 11th, Deputy Postmaster at Michigan City. On the 17th day of November, seven weeks before he was sworn as a member of this House, he resigned his office of Deputy Postmaster, and when he accepted, by his oath of office, the duties and responsibilities of a member on this floor, that moment he divested himself of any office or appointment under any other person or power, or by force of any election; not only because the possession of one office vacates the other, but for the reason that having, in the only manner prescribed by law, vacated one office by resignation, he was free to exercise the trust the great majority of Laporte county imposed upon him.

The committee in the case of *Hammond vs. Herrick* were sustained in this opinion, and as the arguments in that case are presented so ably, concisely and intelligently, we refer to those opinions and wish to make them a part of this report, for we have no other

conclusions than as given there, nor can we present to this any better law, which, freed from party bias, goes to the fullest extent in declaring the object, spirit and meaning of our Federal and State Constitutions.

In this case the sitting member was elected to Congress in October, 1816, being then in commission as District Attorney of the United States. On the 29th of November, 1817, he resigned his office of District Attorney, and on the 1st day of December following, took his seat in Congress. It was decided that he was not rendered incapable of being a member of the House by reason of his having held the said office after the 4th of March and until the 29th of November, 1817.

The inquiry here presents itself, as in the case now before the House, as to the time when the rights of membership commence?

The sixth section of the first article of the Federal Constitution provides, that "No person holding an office under the United States shall be a member of either House during his continuance in office." The incompatibility is not limited to exercising an office and at the same time being a member of either House of Congress, but is equally extended to the case of holding; that is, having, keeping, possessing or retaining an office under such circumstances. The only difference between this section in the Federal Constitution and section nine of our Constitution is in the phraseology, for to become a member admits of eligibility to a seat.

As to the time when this membership commences, or when one may be considered eligible to a seat, it has often been decided by the committee of election of the House of Commons that a person holding an office incompatible with membership is, nevertheless, capable of prosecuting his claim to a seat.

Persons elected to the House of Commons become at one time members for certain purposes, and at another time for other purposes, and this committee in Congress say that, "after examination of all parliamentary registers, histories and journals within our reach, we have found no case where a person elected to the House of Commons was brought in on a call of the House before he had voluntarily appeared, qualified and taken his seat."

"The act of becoming in reality a member of the House, depends wholly upon the will of the person elected and returned. Election does not of itself constitute membership, \* \* \* \* \* neither does a return necessarily confer membership." These acts

are nothing more than the designation of the individual who, when called upon in the manner prescribed by law, shall be authorized to claim title to a seat.

What then is necessary to constitute a person a member of Congress? There are yet two other acts to be performed—one by the government, another by the inchoate member, or the Representative elect, before his right to his seat is consummated, and before he is, agreeably to the language and spirit of the Constitution, a member. He must appear in this place and consent to take the oath, as prescribed, to support the Constitution. This act of his, in consenting to take the oath, is the only legal evidence known to our Constitution and laws, of his having accepted the office, and his having taken the oath, is the only legal evidence that he is in law, and in fact a member,

No rights or privileges of a member attach to a Representative elect, before he takes the oath of office.

In nearly every Congress, since the commencement of the government, postmasters have been returned as members, and such members have almost uniformly held their offices after the 4th of March, succeeding their election.

In the case of Elias Earle, of South Carolina, who was Postmaster at Centreville, in that State. On the 10th of February, 1817, the Governor executed a certificate of his election, and he continued to execute the duties of his office until the 12th of June. In the meantime, but after his election, having forwarded his resignation as such Postmaster, to the Postmaster General. It was held in this that “continuing to execute the duties of an office under the United States, after one is elected to Congress. But before he takes his seat, is not a disqualification, such office being resigned prior to the taking of the seat.”

And in the case of George Mumford, of North Carolina, a Collector of Revenue, it was held that “the formal resignation of an office held by a member elect is not necessary, if the duties of it have so far ceased as to have operated a virtual abolition of the office.

What was said in the determination of this case, may be said in the case at bar. They are parallel. The question of sovereignty does not exist, nor can not be maintained in this case, but whether it did or not, underlying the whole case, is a principle upon which the decision of this body must be made, and from which they can not shrink by technical, evasive rules, or questions of doubt.

Schoenemann, the contestee, resigned as Deputy Postmaster in November, then again in December. The contestor, with his counsel, and the contestee, came before the judiciary committee after the report of the committee on elections had been referred to us. The chairman of the committee gave them a hearing. We all heard the plea in behalf of the contestor, by himself and counsel. We heard Schoenemann, the contestee, that he had resigned; that he had sent his unconditional resignation to Washington in November, and then in December, not having a copy of that resignation, he produced the following letter from Hon. Jasper Packard, representing his district in Congress:

HOUSE OF REPRESENTATIVES,  
WASHINGTON, December 19, 1870.

HON. WM. SCHOENEMANN:

*My Dear Sir:*—Your resignation has been received at the department and duly accepted, of which I had notice on Saturday. I shall to-morrow make a recommendation to fill the vacancy. Hoping you will have a pleasant time this winter at Indianapolis.

I am,

Yours very truly,

JASPER PACKARD.

But we fail to find anything about his resignation in the report of the committee on elections, though honorable members of that committee acknowledge on this floor that such evidence was adduced.

When a question arises as to whether Schoenemann's resignation was accepted. The committee deemed this unnecessary, but desiring to satisfy all minds, a telegram was sent, asking when Schoenemann's resignation was accepted. The following answer came dated,

WASHINGTON, D. C., 1871.

Received at Indianapolis 11:55 A. M.

HON. WM. SCHOENEMANN, *House of Representatives*:

Willetts name was sent to the Senate December twentieth, vice Schoenemann resigned, showing acceptance of resignation that date.

JASPER PACKARD.

Still not satisfied, a copy of the resignation must be had, and so agreed by all parties, the contestor agreeing to furnish it, saying that "he knew better than the contestee," the man who wrote it, "that it was conditional" he waited some time, and then finding that he had not sent, nor did he intend to send for it. The contestee was then privately told to send for a copy of his resignation. In answer to this telegram, he received the following, dated,

WASHINGTON, December 26, 1871.

Received at Indianapolis, January 26, 11:00 A. M.

TO HON. WM. SCHOENEMANN, *House of Representatives* :

Your resignation is unconditional, will send certified copy by mail.

10 Collect.

JASPER PACKARD.

These are the facts, and in support of the third reason, we assign for dissenting from the conclusions of the committee on elections, sustained by a minority of the judiciary committee, namely, that such conclusions are not maintained by law, we make reference to the following authorities and decisions.

In the case of *Gilbert vs. Luce*, 11 Barbour 94, 95. A seal is not necessary to the act of resignation, the office becomes *ipso facto* vacant by such resignation. The act of the resignation is the act of the deputy, and when he has done the act, the office becomes vacant. When, therefore, the resignation was received by the Sheriff in this case, the deputy thence ceased to hold the office of Deputy Sheriff, and his sureties ceased to be responsible for any act of his done thereafter.

In the case of *Van Onsdall vs. Hazard*, 3 Hill, 247, 248. On the mode of resignation, it is here said that it may be either in writing or by parol, express or either by implication, so that there be an intent to resign on one side, and an acceptance on the other. When no particular mode of resignation is provided by law, and where the appointment is not by deed, it may be by parol, as by the incumbent declaring to the appointing power that he resigns his office, or will continue to serve no longer, and requiring an acceptance of his resignation, nor need the acceptance be in writing, it is enough that the office be treated as vacant, for instance, by appoint-

ing a successor. The leading case of *Rex vs. Rippon*, (1 Lord Raymond 563, 2 Lalkand 433 S. C.,) resolves both these points.

A vacancy may sometimes arise from a mere implied resignation, as by accepting an office incompatible with that which is claimed to be vacant. The People *ex rel. Whiting vs. Carrigue*, 2 Hill's Rep., 97, and cases there cited.

This is an absolute determination of the original office, and leaves no shadow of title to the possessor, so that neither *quo warranto* nor a motion is necessary before any other may be elected. 3 Burr, 1616, 2 T. R., 87.

In this case last cited, Buller, Judge, cited Lord Mansfield who had held "that if the two offices were incompatible, the acceptance of the latter would imply a surrender of the former."

In Angell and Ames on Corporations, 255, 1st ed., it is laid down that the appointment to one office is a temporary disqualification which renders the office ineligible to the other incompatible office, though it is admitted, at the same page, that the appointee may accept the new one on abandoning the other. There is not a doubt that he had a right to elect whether he would hold his seat then or accept his new appointment. 3 Hill 97.

In the case of the United States *vs. John C. Wright*, 1 McLean, 509. "A civil officer has a right at any time to resign his office, and after his resignation has been received at the proper department his surety is not bound for his faithful performance. The President has no power to refuse a resignation, and require an officer to continue in office."

Judge McLean, in deciding this case, said, "There can be no doubt that a civil officer has a right to resign his office at pleasure, and it is not in the power of the Executive to compel him to remain in office. It is only necessary that the resignation should be received to take effect, and this does not depend upon the acceptance or rejection of the resignation by the President."

In conclusion of this report, we can but repeat from the argument upon which the case of George Mumford, above referred to, was determined in Congress in his favor, permitting him to take his seat: "Is it not indecorous, after a man has taken the oath to support the Constitution, and thereby qualified himself and taken his seat as a member, to insist that he does hold an office, (which is as much as to say that he has violated the Constitution and his oath,) without having some evidence that he has discharged or attempted

to discharge other duties than those of a member?" In this case, Schoenemann had abandoned the office long before he took the oath of membership at the bar of this House. He is not responsible, nor is he regarded as Postmaster at home or at Washington, nor has he been since December 20, 1870.

Who has proven that he did not send forward his resignation? We have shown that he did. Suppose, indeed, that his resignation did not get to Washington safely. Will it be claimed for a moment that any power can take him from the high and important duties assigned him on this floor by his constituents? Must he be regarded as the Postmaster notwithstanding he has told your committee that he held no office at the time he qualified as a member? He has done all required of him, and it might be said he has even gone beyond the requirements of the law. But having so promptly presented his resignation, will it be said that the President is not bound to know and provide for the vacancy in an office which has, before his face, been made vacant, and which it is his duty to fill?

For the minority of the judiciary committee to contend that there is no evidence of the receipt of the resignation, places them, and probably this House, in a very humble attitude indeed; for by so doing, they put it completely in the power of the heads of departments, by refusing to accept or by omitting to acknowledge the receipt of a resignation, to prevent any one who has been chosen by the people from taking his seat on this floor. This does not conform to the spirit of our republican institutions or form of government. There will then no longer be privileges of parliament, except such as may be dictated and prescribed by a few. In other words, instead of that old saying *vox populi vox Dei*, we must accept the new version, *vox potentati vox populi*.

The committee, therefore, are of the opinion that Schoenemann, the sitting member, holding no office at the time of taking the oath of office as a member of this Assembly, is eligible to his seat and entitled to hold the same.

O. M. WILSON,  
JOSEPH HENDERSON,  
G. W. FRIEDLEY,  
R. T. ST. JOHN,  
EDWARD CALKINS, of Fulton.

A message from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed Senate Bill No. 8, "An act to amend the sixth, seventh and eleventh sections of an act entitled 'An act regulating the granting of divorces, nullifications of marriages, and decrees and orders of courts incident thereto,' approved May 13, 1852, and repealing all laws conflicting with this act," in which the concurrence of the House is requested.

Also, Senate Bill No. 175, entitled "An act to fix the times of holding the Common Pleas Courts in the county of Decatur, etc.," which is herewith transmitted to the House for its action thereon.

Also, Senate Bill No. 145, entitled "An act fixing the time of holding Courts in the Twelfth Judicial Circuit, etc.," which is herewith transmitted to the House for its action thereon.

Mr. Neff moved that the further consideration of the reports from the committees on elections and judiciary, on the matter of the Wile-Schoenemann contested election case be postponed until next Tuesday, February 7th, at 11 o'clock, A. M., and that it be made the special order for that hour.

On which the ayes and noes were demanded by Messrs. Friedley and Ballenger.

The question being, shall the further consideration of the reports be postponed to the day named?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Curtis,	Henderson,
Barnaby,	Davidson,	Hendry,
Britton,	Donham,	Hynes,
Browning,	Gallentine,	McDonald,
Bruner,	Gentry,	McFarland,
Caldwell,	Goble,	McGowan,
Cauthorn,	Gordon of Cass,	Miles,
Copner,	Guthrie,	Mitchell,
Cox,	Hartley,	Montgomery,
Cunningham,	Haynes,	Neff,



Oatley,	Simpson,	Tebbs,
Ray,	Shutt,	Walker,
Rice,	Stanley,	Warrum,
Sansberry,	Tarlton,	Zenor,
Sayers,	Trughinbaugh,	Mr. Speaker—45.

*Those who voted in the negative were, Messrs.*

Ballenger,	Kennedy,	Ruddell,
Beeler,	Kirkpatrick,	Snodgrass,
Biggs,	Knight,	Stephenson,
Butterworth,	Lines,	St. John,
Calkins of Fulton,	Major,	Stone,
Conner,	Martin of Wayne,	Taylor,
Deputy,	Martin of Putnam,	Washburn,
Friedley,	Millikan,	Williams,
Furnas,	Monroe,	Wilson,
Gordon of Boone,	Myers,	Wood,
Heilman,	Netherton,	Woodward,
Hill,	Rhodes,	Wymer.—37
Hooker,		

So the motion to postpone prevailed.

Message from the Senate by the Secretary thereof:

MR. SPEAKER:

I am instructed to inform the House that the Senate has passed House Bill No. 69, entitled "A bill making appropriations for the Benevolent Institutions," which is herewith returned for enrollment and signature of Mr. Speaker.

Mr. Deputy presented the resolution passed by the Board of Commissioners of Jefferson county, on the subject of preparing an asylum for the incurable insane of Indiana, and instructing the Senator and Representatives from that county to use all honorable means to secure that object.

Which was,

On motion,

Referred to the committee on benevolent institutions.

Mr. Calkins, of Fulton, moved to suspend the rules, so as to take up Senate Bill No. 23.

Which was agreed to.

Engrossed Senate Bill No. 23, entitled an act to constitute the Twenty-Fifth Judicial District,

Which was read a first time.

Mr. Calking, of Fulton, moved that the constitutional rule requiring the bill be read on three several days be suspended, and that it be read a second time by its title, and put upon its passage.

Under the constitutional rule the ayes and noes were taken.

The question being, shall the rule be suspended?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Hendry,	Sabin,
Browning,	Hynes,	Sansberry,
Bruner,	Kennedy,	Sayers,
Butterworth,	Kirkpatrick,	Simpson,
Caldwell,	Knight,	Schoeneman,
Calkins of Fulton,	Lines,	Snodgrass,
Cauthorn,	Major,	Stephenson,
Copner,	Martin of Putnam,	St. John,
Cox,	McDonald,	Stone,
Cunningham,	McFarland,	Tarlton,
Curtis,	Miles,	Taughinbaugh,
Davidson,	Millikan,	Taylor,
Deputy,	Mitchell,	Walker,
Donham,	Monroe,	Washburn,
Friedley,	Myers,	Warrum,
Furnas,	Neff,	Williams,
Gallentine,	Netherton,	Wilson,
Gentry,	Oatley,	Wood,
Gordon of Boone,	Ray,	Woodward,
Gordon of Cass,	Rhodes,	Wymer,
Guthrie,	Rice,	Zenor,
Hartley,	Ruddell,	Mr. Speaker—67.
Henderson,		

*Those who voted in the negative were, Messrs.*

Caldwell,                      Montgomery,                      Stanley—3.

So the rule was suspended, and

Engrossed Senate Bill No. 23, an act creating the Twenty-Fifth Judicial Circuit,

Was read a second time by its title.

Mr. Cox moved that the bill be considered engrossed and now read a third time,

Which was agreed to.

Engrossed Senate Bill No. 23, an act creating the Twenty-Fifth Judicial Circuit,

Which was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Donham,	Knight,
Barnaby,	Friedly,	Lines,
Beeler,	Furnas,	Major,
Biggs,	Galentine,	Martin of Wayne,
Britton,	Gentry,	Martin of Putnam,
Browning,	Goble,	McDonald,
Bruner,	Gordon of Boone,	McDowell,
Butterworth,	Gordon of Cass,	McGowan,
Caldwell,	Guthrie,	Miles,
Calkins of Fulton,	Hartley,	Millikan,
Canthorn,	Haynes,	Mitchell,
Conner,	Henderson,	Monroe,
Copner,	Hendry,	Montgomery,
Cox,	Hill,	Myers,
Cunningham,	Hooker,	Neff,
Curtis,	Hynes,	Netherton,
Davidson,	Kennedy,	Oatley,
Deputy,	Kirkpatrick,	Ray,

Rhodes,	Stanley,	Warrum,
Rice,	Stephenson,	Williams,
Ruddell,	St. John,	Wilson,
Sabin,	Stone,	Wood,
Sansberry,	Tarlton,	Woodward,
Sayers,	Taughinbaugh,	Wymer,
Schoenemann,	Taylor,	Zenor,
Shutt,	Walker,	Mr. Speaker—80.
Snodgrass,	Washburn,	

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered*, That the Clerk inform the Senate of the passage of the bill.

Mr. Simpson introduced

House Bill No. 226. Entitled an act to protect the flags, colors, standards, guidons, relics and trophies of the State of Indiana.

Which was read a first time, and,

On motion,

Referred to the committee on military affairs.

Mr. Simpson introduced

House Bill No. 227. Entitled an act making it the duty of justices of the peace, notaries public, and clerks of counties of this State to certify and affix the seal of said officers to the claims of soldiers, etc., without compensation therefor.

Which was read a first time, and,

On motion,

Referred to the committee on military affairs.

Mr. Simpson introduced

House Bill No. 228. An act to amend section twenty-six of an act entitled "An act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852.

Which was read a first time, and,  
 On motion,  
 Referred to the committee on temperance.

Mr. Simpson introduced

House Bill No. 229. Entitled an act to repeal section second of "An act defining certain misdemeanors and prescribing the punishment therefor," approved December 2, 1865.

Which was read a first time, and,  
 On motion,  
 Referred to the committee on judiciary.

Mr. Monroe offered the following resolution :

WHEREAS, Heretofore, to wit, on the 25th day of November, A. D. 1870, one Abel Hale, a resident and respected citizen of Jefferson county, Indiana, was murdered by a former employe of his, under circumstances of peculiar cruelty ; and,

WHEREAS, The heirs and relatives of said deceased inheriting but little by the death of said party, are unable, on account of their poverty, to take any measures requiring an expenditure of money for the detection and arrest of the supposed murderer of said Abel Hale ; and,

WHEREAS, The county commissioners of said county of Jefferson, influenced by erroneous ideas of economy in the administration of public affairs, have refused to offer any reward for the arrest of the supposed murderer of said deceased ; and,

WHEREAS, From the evidence adduced before the coroner's investigation in said case, showing the circumstances under which said murder was committed, it appears that the murderer of said deceased is one Jacob T. Fleming, alias Michael J. Hale, alias Florence Eyl ; and,

WHEREAS, Public policy and the general good and welfare of society demand that the violators of law should meet with speedy and deserved punishment ; therefore,

*Be it resolved by the House of Representatives of the State of Indiana, (the Senate concurring,) That the Governor of the State of Indiana be and is hereby authorized to offer a reward of five hundred dollars (\$500) for the arrest of said Jacob T. Fleming, if said arrest leads to conviction, to be paid out of any proper fund of the*

State of Indiana in the hands of said Governor, when said Jacob T. Fleming shall be duly convicted of said crime.

Which was,

On motion,

Referred to the committee on claims.

Mr. Biggs introduced

House Bill No. 230. An act to amend section four hundred and twenty of an act entitled "An act to revise, simplify and abridge the useless practice, pleading and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a first time, and passed to a second reading.

Mr. Cauthorn introduced

House Bill No. 231. An act authorizing the making and recording of city plats, and making the same, and copies of the record, competent evidence.

Which was read a first time, and passed to a second reading.

Mr. Barnaby offered the following resolution:

*Resolved*, That hereafter no member of this House shall be granted leave of absence unless for sickness or on account of important business that requires personal attendance, which shall be shown to the satisfaction of this House.

Which was not agreed to.

Leave of absence until Tuesday next was granted to Messrs. Friedley and Williams.

Mr. Rawles introduced

House Bill No. 232. Entitled a bill to amend sections twenty-three and twenty-four of an act entitled "An act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duty of assessors, appraisers of

real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.

Which was read a first time, and,

On motion,

Referred to the committee on county and township business.

Mr. Rawles introduced

House Bill No. 233. An act to amend sections 453 and 455, of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases, in the Courts of this State; to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, and to repeal sections 445, 446, 447, 448, 449, 450, and 451, of said act."

Which was read a first time and passed to its second reading.

When,

On motion of Mr. Williams,

The House adjourned.

FRIDAY, FEBRUARY 3, 1871, 2 O'CLOCK P. M.

The House met.

Mr. Sansberry presented the claim of Daniel Keely, for services rendered the State in 1862.

Which was,

On motion,

Referred to the committee on claims.

Mr. Ruddell introduced

House Bill No. 234. Entitled an act providing for a general system of common schools, in all cities of thirty thousand or more inhabitants, and for the election of a board of school commissioners

for such cities, and defining their duties, and prescribing their powers, and providing for school libraries within such cities.

Which was read a first time, and,

On motion,

Referred to the committee on education.

Mr. Ruddell introduced

House Bill No. 235. An act to amend an act to provide a treasury system for the State of Indiana, for the manner of receiving, holding, and disbursing the public moneys of the State, and for the safe keeping of public moneys, passed March 1, 1859, notwithstanding the objection of the Governor, by adding a section thereto, affixing penalties for the violation of the provisions of said act.

Which was read a first time.

A message from the Senate by the Secretary thereof:

MR. SPEAKER:

I am instructed by the Senate to inform the House, that the President has signed Senate Enrolled Act No. 23, entitled an act to constitute the Twenty-Fifth Judicial District, and the same is herewith transmitted for the signature of the Speaker, also that the Senate has passed Senate Bill No. 173, entitled an act legalizing the consolidation of the Logansport, Camden, and Frankfort Railroads, and the concurrence of the House is respectfully requested.

Mr. Wilson introduced

House Bill No. 236. An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as pertain thereto.

Mr. Wilson moved that the rules be suspended so as to allow the bill to be read a first and second time by its title.

On which the ayes and noes were taken under the constitutional rule.



The question being, shall the rules be suspended?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Heilman,	Rice,
Ballenger,	Henderson,	Ruddell,
Barnaby,	Hill,	Sabin,
Biggs,	Hooker,	Sansberry,
Britton,	Hynes,	Sayers,
Bruner,	Kennedy,	Simpson,
Caldwell,	King,	Schoenemann,
Calkins of Fulton,	Kirkpatrick,	Shutt,
Conner,	Knight,	Snodgrass,
Copner,	Lines,	Stanley,
Cox,	Major,	Stephenson,
Curtis,	Martin of Wayne,	St. John,
Davidson,	Martin of Putnam,	Stone,
Defrees,	McDowell,	Tarlton,
Deputy,	McGowan,	Taughinbaugh,
Devol,	Minick,	Walker,
Donham,	Miles,	Washburn,
Gallentine,	Millikan,	Warrum,
Gentry,	Mitchell,	White,
Goble,	Monroe,	Williams,
Gordon of Boone,	Neff,	Wilson,
Gordon of Cass,	Netherton,	Wood,
Guthrie,	Oatley,	Woodward,
Hartley,	Ray,	Wymer,
Haynes,	Rhodes,	Zenor—76.

*Those who voted in the negative were, Messrs.*

Cunningham,

Montgomery—2.

So the rules were suspended, and the bill was so read a first and second time by its title, and,

On motion,

Referred to the committee on cities and towns.

Mr. Wilson presented the petition of the Indianapolis Building and Loan Fund, praying for the amending of the law in regard to

Building and Loan Fund Associations, so as to allow a maximum capital of \$500,000.

Which was read, and,

On motion,

Referred to the committee on corporations.

Mr. Mitchell introduced

House Bill No. 237. An act to provide the mode in which vacancies in the University of the State of Indiana shall be filled, and repealing all laws, or parts of laws in conflict therewith, etc.

Which was read a first time.

Mr. Mitchell moved that the rules be suspended, and the bill be read a second time by its title, and put upon its passage.

Under the constitutional rule, the ayes and noes were taken.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Gordon of Boone,	Monroe,
Ballenger,	Gordon of Cass,	Montgomery,
Barnaby,	Guthrie,	Neff,
Biggs,	Hartley,	Netherton,
Britton,	Haynes,	Oatley,
Browning,	Heilman,	Ray,
Bruner,	Henderson,	Rhodes,
Butterworth,	Hendry,	Rice,
Caldwell,	Hooker,	Sansberry,
Calkins of Fulton,	Hynes,	Sayers,
Conner,	Kennedy,	Simpson,
Copner,	Kirkpatrick,	Shoenemann,
Cox,	Lines,	Shutt,
Curtis,	Major,	Snodgrass,
Davidson,	Martin of Wayne,	Stanley,
Defrees,	McDonald,	Stephenson,
Deputy,	McFarland,	St. John,
Devol,	McGowan,	Stone,
Donham,	Minick,	Strickland,
Gallentine,	Miles,	Tarlton,
Gentry,	Millikan,	Taughinbaugh,
Goble,	Mitchell,	Taylor,

Walker,	Wilson,	Wymer,
Washburn,	Wood,	Zenor,
Warrum,	Woodward,	Mr. Speaker—77.
Williams,		

*Those who voted in the negative were, Messrs.*

Cunningham,	King,	Sabin—5.
Furnas	Martin of Putnam,	

So the rules were suspended, and the bill read a second and third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Gordon of Cass,	Netherton,
Barnaby,	Guthrie,	Oatley,
Britton,	Hartley,	Rice,
Browning,	Haynes,	Sansberry,
Bruner,	Heilman,	Simpson,
Caldwell,	Henderson,	Shutt,
Calkins of Fulton,	Hooker,	Stanley,
Cauthorn,	Hynes,	Stone,
Copner,	Major,	Strickland,
Cox,	Martin of Wayne,	Tarlton,
Curtis,	McDonald,	Taughinbaugh,
Davidson,	McFarland,	Tebbs,
Devol,	McGowan,	Walker,
Donham,	Minick,	Warrum,
Gallentine,	Miles,	Wymer,
Gentry,	Mitchell,	Zenor,
Goble,	Neff,	Mr. Speaker—51.

*Those who voted in the negative were, Messrs.*

Biggs,	Deputy,	Kirkpatrick,
Butterworth,	Furnas,	Knight,
Conner,	Hill,	Lines,
Cunningham,	Kennedy,	Martin of Putnam,
Defrees,	King,	Millikan,

Monroe,	Schoenemann,	White,
Montgomery,	Snodgrass,	Williams,
Ray,	St. John,	Wood,
Sabin,	Washburn,	Woodward—28.
Sayers,		

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered*, That the Clerk inform the Senate of the passage of the bill.

#### SPECIAL ORDER FOR THE DAY.

The hour of  $2\frac{1}{2}$  o'clock having arrived, being the hour designated by the House for the consideration of the House concurrent resolution on the subject of the removal of the National Capitol, the same was taken up.

House concurrent resolution :

WHEREAS, The subject of the removal of the National Capitol from its present place to some more central and appropriate location is now claiming public attention ; and,

WHEREAS, The importance of the subject demands the gravest consideration by the people of the States of the Union, and it is deemed in the highest degree important that immediate action should be taken thereon to prevent any useless expenditures of public funds on the present Capitol until the question of relocation is finally and forever settled ; therefore,

*Be it resolved by the House of Representatives*, (the Senate concurring therein,) That our Senators and Representatives in the Congress of the United States be and they are hereby instructed to vote against all future appropriations and expenditures of the public moneys to be applied and disbursed for improvements of the National Capitol in its present location.

*Resolved*, That, considering the fact of the territorial extent, fer-

tility of soil and growth of population in the great basin of the Mississippi valley, it is but right and proper that the National Capitol, in order that it may subserve the great national purposes of its existence, should be located centrally therein.

*Resolved*, That our Senators and Representatives in the Congress of the United States be and are hereby instructed to press this matter upon the attention of Congress, and to use all proper and legitimate means to effectuate the removal of the Capitol from its present location to where it will have centrality as to population, territory, wealth, political power, natural resources, and internal trade and commerce.

Mr. McDonald moved the previous question on the adoption of the resolution.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question recurring on the adoption of the resolution.

It was agreed to.

Mr. Copner moved to suspend the rules so as to allow Senate Bill No. 173 to be read a first and second time now, and put upon its passage.

Under the constitutional rule, the ayes and noes were taken.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Conner,	Goble,
Barnaby,	Copner,	Gordon of Boone,
Biggs,	Cox,	Gordon of Cass,
Britton,	Curtis,	Hartley,
Browning,	Davidson,	Haynes,
Bruner,	Devol,	Heilman,
Butterworth,	Donham,	Henderson,
Caldwell,	Furnas,	Hooker,
Calkins of Fulton,	Gallentine,	Hynes,
Cauthorn,	Gentry,	Kennedy,

King,	Netherton,	Taughinbaugh,
Kirkpatrick,	Oatley,	Taylor,
Knight,	Rhodes,	Tebbs,
Lines,	Ruddell,	Walker,
Major,	Sayers,	Washburn,
Martin of Wayne,	Simpson,	Warrum,
Martin of Putnam,	Schoenemann,	Wilson,
McDonald,	Shutt,	Wood,
McFarland,	Stanley,	Woodward,
McGowan,	Stephenson,	Wymer,
Miles,	St. John,	Zenor,
Mitchell,	Tarlton,	Mr. Speaker—67.
Neff,		

*Those who voted in the negative were, Messrs.*

Beeler,	Minick,	Ray,
Cunningham,	Millikan,	Sabin,
Defrees,	Monroe,	Sansberry,
Deputy,	Montgomery,	Snodgrass—13.
Guthrie,		

So the rules were suspended.

Engrossed Senate Bill No. 173. Entitled an act legalizing the consolidation of the Logansport, Camden and Frankfort, the Frankfort and Crawfordsville, and the Crawfordsville and Rockville Railroad Companies, under the name of the Logansport, Crawfordsville and Southwestern Railway Company.

Which was read a first and second time by its title, and a third time by sections.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbott,	Butterworth,	Curtis,
Barnaby,	Caldwell,	Davidson,
Beeler,	Couthorn,	Defrees,
Biggs,	Conner,	Deputy,
Browning,	Copner,	Devol,
Bruner,	Cunningham,	Donham,

Furnas,	Major,	Simpson,
Gallentine,	Martin of Wayne,	Schoenemann,
Gentry,	Martin of Putnam,	Shutt,
Goble,	McDonald,	Stanley,
Gordon of Boone,	McFarland,	St. John,
Gordon of Cass,	McGowan,	Stone,
Guthrie,	Minick,	Strickland,
Hartley,	Miles,	Tarlton,
Haynes,	Millikan,	Taughinbaugh,
Heilman,	Mitchell,	Taylor,
Henderson,	Monroe,	Tebbs,
Hendry,	Montgomery,	Walker,
Hooker,	Neff,	Washburn,
Hynes,	Netherton,	Wilson,
Kennedy,	Oatley,	Wood,
King,	Ray,	Woodward,
Kirkpatrick,	Rhodes,	Wymer,
Knight,	Rice,	Zenor,
Lines,	Sabin,	Mr. Speaker—75.

*Those who voted in the negative were, Messrs.*

Ruddell,	Snodgrass,	Warrum—5.
Sansberry,	Stephenson,	

So the bill passed.

The question being, shall the title as read stand as the title of the bill.

It was so ordered.

*Ordered,* That the Clerk inform the Senate of the passage of the bill.

Message from the Senate by the Secretary thereof:

MR. SPEAKER:

I am instructed to inform the House that the Senate has passed Senate Bill No. 163. Entitled an act to authorize the consolidation of hydraulic companies, and to define the powers of such con-

solidated companies, and the same is herewith transmitted for the action of the House.

Also, I am instructed to inform the House that the President has signed Enrolled House Act No. 69, entitled an act making specific appropriations for the benevolent institutions, which is herewith transmitted.

Mr. Williams moved to suspend the rules so as to take up Senate Bill No. 2, for a first and second reading.

Mr. Neff moved to lay the motion on the table.

On which motion, the ayes and noes were demanded by Messrs. Ballenger and Williams.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Henderson,	Sabin,
Ballenger,	Hynes,	Sansberry,
Barnaby,	King,	Sayers,
Beeler,	Kirkpatrick,	Simpson,
Britton,	Lines,	Schoenemann,
Browning,	Major,	Shutt,
Bruner,	Martin of Wayne,	Stanley,
Caldwell,	McDonald,	St. John,
Cauthorn,	McFarland,	Stone,
Conner,	McGowan,	Strickland,
Cox,	Minick,	Tarlton,
Curtis,	Miles,	Taughinbaugh,
Davidson,	Millikan,	Tebbs,
Deputy,	Monroe,	Walker,
Furnas,	Montgomery,	Warrum,
Gallentine,	Neff,	Wood,
Gentry,	Oatley,	Woodward,
Gordon of Boone,	Ray,	Zenor,
Guthrie,	Rhodes,	Mr. Speaker—59.
Haynes,	Rice,	

*Those who voted in the negative were, Messrs.*

Biggs,	Calkins of Fulton,	Cunningham,
Butterworth,	Copner,	Devol,



Donham,	Hooker,	Snodgrass,
Goble,	Kennedy,	Stephenson,
Cordon of Cass,	Knight,	Washburn,
Hartley,	Martin of Putnam,	Williams,
Heilman,	Mitchell,	Wilson,
Hendry,	Netherton,	Wymer—27.
Hill,	Ruddell,	

So the rules were not suspended.

Mr. Major offered the following resolution :

WHEREAS, More than half the time prescribed for the sitting of this Assembly has already passed ; and,

WHEREAS, Many important measures are yet to be considered ; therefore,

*Resolved*, That this House will not adjourn for a longer period at one time, than from Saturday, 12 o'clock, M., until Monday, 2 o'clock P. M. of each week during the remainder of this session.

Mr. Ruddell moved to lay the resolution on the table.

Which was agreed to.

Mr. Woodward introduced

House Bill No. 238. An act to extend the time for the completion of railroads, in cases in which the time has heretofore been extended, and the roads are not yet finished.

Which was read a first time and,

On motion,

Referred to the committee on railroads.

Mr. Woodward introduced

House Bill No. 239. An act to protect travelers' baggage against rough and careless handling by the employes of railroads, canals, express companies, and other common carriers, and prescribing penalties for the violation thereof.

Which was read a first time, and,

On motion,

Referred to the committee on railroads.

Mr. Woodward introduced

House Bill No. 240. An act amending section 10, of an act regulating the fees and salaries of officers, and regulating former acts in relation thereto, approved March 2d, 1855.

Which was read a first time, and,

On motion,

Referred to the committee on fees and salaries.

Mr. Neff introduced

House Bill No. 241. Entitled an act to amend section 97 of an act entitled "An act to provide a general system of common schools, etc."

Which was read a first time, and passed to a second reading.

Mr. Neff introduced

House Bill No. 242. An act to provide for paroling of prisoners, who may be confined in any county jail for the non-payment of fines which may have been adjudged against them upon conviction of public offenses.

Which was read a first time, and,

On motion,

Referred to the judiciary committee.

Mr. Copner, from the committee on engrossed bills, submitted the following report :

MR. SPEAKER :

Your committee on engrossed bills, to whom was referred Engrossed House Bills Nos. 20, 63, 101, 151, 96, 129, 191, 106, 152, 134, 43, 180, 170, 131, 4, 105, 55, 42, 137, 40, 138, 122, 185, 154, 142, 188, 132, 134, 62, and 68, have carefully compared the same with the originals, and find them correctly engrossed.

Mr. Neff introduced

House Bill No. 243. An act defining libel and affixing the punishment thereof.

Which was read a first time, and,

On motion,

Referred to the committee on the judiciary.

Mr. Martin of Putnam introduced

House Bill No. 244. An act to establish a reasonable maximum rate of charges for the transportation of passengers on the different railroads of this State, and prescribing penalties for violation thereof.

Which was read a first time, and,

On motion,

Referred to the committee on railroads.

Mr. Washburn introduced

House Bill No. 245. An act to regulate the sale of drugs and medicines.

Which was read a first time, and passed to a second reading.

Mr. Washburn introduced

House Bill No. 246. An act to amend an act entitled "An act to encourage the destruction of wolves," approved June 9, 1852.

Which was read a first time, and,

On motion,

Referred to the committee on agriculture.

Mr. Stone introduced

House Bill No. 247. Entitled an act allowing turnpike companies in this State to charge toll when one mile of their road is completed, and declaring an emergency.

Which was read a first time, and,

On motion,

Referred to the committee on roads.

Mr. Stone offered the following resolution :

*Resolved*, That this hall be and the same is hereby tendered to the committee recently appointed by the State Temperance Alliance, in convention assembled in this city, for the purpose of presenting a memorial to the Legislature on the subject of temperance, on Tuesday, the 7th day of February, at 7½ o'clock P. M., and that the Senate be, and they are hereby invited to attend in the Hall at the time

named, and that seats be provided for them on the right of the Speakers stand.

Which was agreed to.

Mr. Hill presented the petition of sundry citizens of Rush county for a modification of the divorce laws.

Which was,

On motion,

Referred to the committee on the judiciary.

Also, a petition of sundry citizens of the same county on the subject of prison reform.

Which was,

On motion,

Referred to the committee on benevolent institutions.

Mr. Henderson introduced

House Bill No. 248. An act regulating the use of streets, alleys, and highways in cities and towns by railroads.

Which was read a first time, and,

On motion,

Referred to the committee on railroads.

Mr. Henderson introduced

House Bill No. 249. An act to amend section one, of an act entitled "An act to incorporate the University of Notre Dame Du Lac at South Bend, St. Joseph county, Indiana," approved January 15, 1844.

Which was read a first time, and,

On motion,

Referred to the committee on education.

Leave of absence was granted to Mr. Martin of Wayne, until next Monday.

Mr. Netherton offered the following resolution :

*Resolved*, That the committee on military affairs be instructed to inquire into the facts, and ascertain whether any claims are yet un-

paid and justly due to recruiting officers of this State during the late war, whose recruits, by them enlisted, were by order of the General or State Government, consolidated with the recruits of other recruiting officers, under acts so requiring, and the said committee be further instructed to report to this House the results of said investigation.

Which was,

On motion,

Referred to the committee on military affairs.

Mr. Netherton offered the following resolution :

*Resolved*, That the committee on agriculture be instructed to report to this House a list of such agricultural products and articles of commerce in this State, that have not affixed to them by law a standard weight.

Which was agreed to.

Mr. Holland introduced

House Bill No. 250. Entitled an act to amend section 45, of an act entitled "An act defining felonies, and prescribing punishment therefor," approved June 10, 1852.

Which was read a first time, and,

On motion,

Referred to the committee on the judiciary.

Mr. Holland introduced

House Bill No. 251. An act fixing the time of holding Circuit Courts in the several counties composing the First Judicial Circuit of this State, and declaring an emergency, repeal, etc.

Which was read a first time, and,

On motion,

Referred to the judiciary committee.

Mr. Deputy offered the following resolution :

*Resolved*, That when this House adjourn, that it adjourn until 2 o'clock P. M. on Monday.

Mr. Neff moved to lay the resolution on the table.

On which the ayes and noes were demanded by Messrs. Martin of Putnam, and McDonald.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Gúthrie,	Rice,
Ballenger,	Haynes,	Sabin,
Barnaby,	Heilman,	Sayers,
Biggs,	Hynes,	Simpson,
Britton,	Kennedy,	Schoenemann,
Browning,	Kiug,	Shutt,
Butterworth,	Lines,	Stanley,
Calkins of Fulton,	Major,	Stephenson,
Cauthorn,	Martin of Putnam,	Stone,
Conner,	McDonald,	Strickland,
Copner,	McFarland,	Tarlton,
Cox,	McGowan,	Taughinbaugh,
Curtis,	Minick,	Taylor,
Defrees,	Miles,	Tebbs,
Devol,	Mitchell,	Wilson,
Donham,	Montgomery,	Woodward,
Furnas,	Neff,	Wymer,
Gallentine,	Netherton,	Zenor,
Gentry,	Oatley,	Mr. Speaker—57.

*Those who voted in the negative were, Messrs.*

Bruner,	Kirkpatrick,	Snodgrass,
Cunningham,	Martin of Wayne,	Walker,
Davidson,	Millikan,	Washburn,
Deputy,	Ray,	Warrum,
Gordon of Cass,	Rhodes,	Wood—17.
Hooker,	Ruddell,	

So the motion to lay on the table prevailed.

Leaves of absence until Monday night were granted to Messrs. Myers and Monroe.

Mr. Davidson introduced

House Bill No. 252. Entitled an act defining what counties shall

constitute the Twelfth Judicial Circuit, fixing the time of holding the courts therein, and repealing all acts and parts of acts in conflict therewith.

Which was read a first time, and,

On motion,

Referred to the committee on the organization of courts.

Mr. Davidson offered the following resolution :

WHEREAS, For many years past there has been a general dissatisfaction, within this State, with that feature of its judiciary system which maintains two courts of almost concurrent jurisdiction, and of nearly equal dignity, at great expense to the people; and

WHEREAS, Appeals from these courts to the Supreme Court, in trifling and unimportant causes, have become numerous, burdening that court with the consideration of questions involving neither large values nor great principles; therefore,

*Resolved*, That a committee, consisting of one from each Congressional District, be appointed by the Speaker, which is hereby instructed to inquire into the expediency of abolishing the Courts of Common Pleas of this State, of subdividing the State into an increased number of Circuits, of providing for an intermediate court of appeal, to be composed of three or more Circuit Judges, and of limiting the right of appeal to the Supreme Court, in civil causes, to cases involving not less than two hundred dollars or other definite amount, and that they report by bill or otherwise.

*Resolved*, That in case such committee should deem such changes inadvisable, they are then instructed to inquire what remedial legislation is needed upon the subject, and that they report by bill or otherwise.

Which was agreed to.

Mr. Stephenson introduced

House Bill No. 253. Entitled an act authorizing the Auditor of State to make proper disposition of moneys arising from insurance companies.

Which was read a first time, and passed to a second reading.

Mr. Heilman introduced

House Bill No. 254. An act to amend section seventeen of an act entitled "An act containing several provisions regarding landlords, tenants, lessors and lessees," approved May 20, 1852.

Which was read a first time, and,

On motion,

Referred to the committee on rights and privileges.

Mr. Hooker introduced

House Bill No. 255. Entitled an act to amend section sixteen of an act entitled "An act concerning real property and the alienation thereof," approved May 6, 1852.

Which was read a first time, and,

On motion,

Referred to the committee on the judiciary.

Mr. Hooker presented a petition from sundry citizens relating to the salaries of justices of the peace and constables.

Which was,

On motion,

Referred to the committee on fees and salaries.

Mr. White introduced

House Bill No. 256. An act amending sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of "An act concerning inclosures, trespassing animals, and partition fences."

Which was read a first time, and,

On motion,

Referred to the committee on rights and privileges.

Mr. Knight introduced

House Bill No. 257. An act to revise and amend an act entitled "An act to provide compensation to the owners of animals killed or injured by the cars, locomotives, or other carriages of any railroad company in this State," approved March 4, 1863, and for the better



protection of railway fences and grounds, and prescribing the penalty for interfering therewith.

Which was read a first time, and,  
On motion,  
Referred to the committee on railroads.

Mr. Rhodes introduced

House Bill No. 258. An act to amend the eighteenth section of an act entitled "An act regulating descents and the apportionment of estates," approved May 14, 1852, and validating deeds of conveyance made in contravention thereof.

Which was read a first time, and,  
On motion,  
Referred to the judiciary committee.

Mr. Oatley introduced

House Bill No. 259. Entitled an act to prevent placing obstructions in running streams of water, making provision for the removal of such obstructions, defining the duties of supervisors and county commissioners in relation thereto, and prescribing penalties for the violation of the provisions of this act.

Which was read a first time, and,  
On motion,  
Referred to the committee on agriculture.

Mr. Ballenger introduced

House Bill No. 260. An act amending section three of "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867.

Which was read a first time, and,  
On motion,  
Referred to the committee on cities and towns.

Mr. Ballenger introduced

House Bill No. 261. An act repealing the redemption law of June 4, 1861.

Which was read a first time, and,

On motion,  
Referred to the committee on rights and privileges.

Mr. Ballenger introduced

House Bill No. 262. An act to amend an act entitled "An act to authorize any person desiring to erect a flouring mill or other machinery, to be propelled by water, on his own land, to make a race-way below such mill or machinery through lands belonging to other persons, and to regulate the assessment and payment of damages therefor, being an act supplemental to article 41, chapter I, of part second of Revised Statutes of 1852," approved March, 1853.

Which was read a first time, and,

On motion,  
Referred to the committee on rights and privileges.

Indefinite leave of absence was granted Mr. St. John.

Mr. Wymer offered the following resolution :

*Resolved*, That the Speaker be and is hereby authorized to allow the employes of the Doorkeeper of the House the sum of five dollars per day from the commencement of the present session.

Which was,

On motion,  
Referred to the judiciary committee.

Message from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed Senate Bill No. 149, entitled "An act to amend section fourteen of an act entitled 'An act concerning promissory notes and bills of exchange,' approved March 11, 1861," which is herewith transmitted for the action of the House.

Mr. McDonald offered the following preamble and resolution :

WHEREAS, It is shown by the report of the Treasurer of State, recently made to this session of the General Assembly, that the Agent of State has been paid, for the year 1870, the sum of \$2,978.88 as his, the said agent's, "salary," and the further sum of \$2,978.88 as "expenses of agency," making, in the aggregate, the sum of \$5,957.76; and,

WHEREAS, Said sum of \$5,957.76 is an amount entirely too great for the amount of services rendered by such agent for the State of Indiana; therefore,

*Be it resolved by this House,* That the ways and means committee of this House be and the same is hereby ordered to take said matter under investigation and consideration, send for persons and papers, and report to this House by Monday, February 6th, at 2 o'clock, P. M., and recommend what legislation is necessary, if any, by bill or otherwise.

Which was agreed to.

Mr. Minick introduced

House Bill No. 263. An act to regulate the fees of clerks and sheriffs of the various counties of this State, to provide for the taxing of costs in certain cases, prescribing penalties for the violation of this act, and regulating the appointment and compensation of bailiffs.

Which was read a first time, and,

On motion,

Referred to the committee on fees and salaries.

Mr. Schoenemann introduced

House Bill No. 264. An act to amend paragraph 47 of section 53 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867.

Which was read a first time, and,

On motion,

Referred to the committee on corporations.

The Speaker laid before the House the report of the Adjutant General.

Which was,  
On motion,  
Referred to the committee on military affairs.

Also, a memorial from the Pittsburg Coal Exchange.

Which was,  
On motion,  
Referred to the committee on manufactures.

Also, the report of the Trustees of the State Normal School.

Which was,  
On motion,  
Referred to the committee on education.

Also, the report of Governor Baker on the reformatory institutions.

Which was,  
On motion,  
Referred to the committee on reformatory institutions.

Also, the message from the Governor in relation to purchasing lands in this State for National Soldiers' Cemeteries.

Which was,  
On motion,  
Referred to the committee on military affairs.

Also, message from the Governor containing communication from French Minister and the Consul of Bavaria.

Which was,  
On motion,  
Referred to the committee on statistics and immigration.

Also, message from the Governor containing notice of proceedings of common council of Michigan City in relation to harbor improvements.

Which was,  
On motion,  
Referred to the committee on Federal relations.

Also, message from the Governor in relation to establishment of Light-House District embracing Mississippi, Missouri, and Ohio rivers.

Which was,

On motion,

Referred to the committee on commerce.

Leave of absence was granted Mr. Ballenger until Monday.

Leave of absence was granted Mr. Rhodes until next Tuesday.

Mr. Strickland moved that the rules be suspended to allow Senate Bill No. 175 to be taken up and read a first and second time by its title, and put upon its passage.

Under the constitutional rule, the ayes and noes were taken.

*Those who voted in the affirmative were, Messrs.*

Barnaby,	Haynes,	Ray,
Beeler,	Heilman,	Rhodes,
Biggs,	Henderson,	Sansberry,
Britton,	Hendry,	Sayers,
Browning,	Hill,	Simpson,
Brüner,	Kennedy,	Schoenemann,
Butterworth,	King,	Shutt,
Caldwell,	Kirkpatrick,	Snodgrass,
Cauthorn,	Knight,	Stanley,
Conner,	Lines,	Stone,
Copner,	Martin of Wayne,	Strickland,
Curtis,	Martin of Putnam,	Taughinbaugh,
Davidson,	McDonald,	Tebbs,
Defrees,	McFarland,	Walker,
Deputy,	McGowan,	Warrum,
Devol,	Minnick,	White,
Donham,	Miles,	Williams,
Gallentine,	Millikan,	Wilson,
Gentry,	Monroe,	Wood,
Goble,	Montgomery,	Woodward,
Gordon of Boone,	Neff,	Wymer,
Gordon of Cass,	Netherton,	Zenor,
Hartley,	Oatley,	Mr. Speaker—69.

Mr. Sabin voted in the negative.

So the rules were suspended.

Senate Bill No. 175. Entitled an act to fix the times of holding the Common Pleas Courts in the county of Decatur, and repealing all laws inconsistent therewith.

Which was read a first and second times by its title, and a third time by sections.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Ballenger,	Hartley,	Oatley,
Barnaby,	Haynes,	Ray,
Beeler,	Heilman,	Rhodes,
Biggs,	Henderson,	Rice,
Britton,	Hendry,	Ruddell,
Browning,	Hill,	Sansberry,
Bruner,	Hooker,	Sayers,
Butterworth,	Hynes,	Simpson,
Caldwell,	Kennedy,	Schoenemann,
Calkins of Fulton,	King,	Shutt,
Cauthorn,	Kirkpatrick,	Snodgrass,
Conner,	Knight,	Stanley,
Copner,	Lines,	Stone,
Cunningham,	Major,	Strickland,
Curtis,	Martin of Wayne,	Tarlton,
Davidson,	Martin of Putnam,	Taughinbaugh,
Defrees,	McFarland,	Tebbs,
Deputy,	McGowan,	Walker,
Devol,	Minick,	Washburn,
Donham,	Miles,	Warrum,
Furnas,	Millikan,	White,
Gallentine,	Mitchell,	Williams,
Gentry,	Monroe,	Wilson,
Goble,	Montgomery,	Wood,
Gordon of Boone,	Myers,	Wymer,
Gordon of Cass,	Neff,	Zenor,
Guthrie,	Netherton,	Mr. Speaker—82.

There being no one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered*, That the Clerk inform the Senate of the passage of the bill.

Mr. Ruddell moved that when the House adjourn, it adjourn to meet on Monday next, at 9 o'clock, A. M.

Mr. Cunningham moved to lay the motion on the table.

Which was not agreed to.

Mr. Wilson moved to amend by changing the time to Monday, 10 o'clock.

Which amendment was accepted.

The question recurring on the motion as amended.

It was not agreed to.

Mr. Ballenger presented six several petitions of citizens of Wayne county, on the subject of the modification of the divorce laws.

Which were,

On motion,

Referred to the committee on the judiciary.

Mr. Ballenger presented three several petitions of citizens of Wayne county on the subject of reformatory institutions.

Which were,

On motion,

Referred to the committee on benevolent institutions.

When,

On motion of Mr. Neff,

The House adjourned.

## SATURDAY MORNING.

FEBRUARY 4, 1871, 9 O'CLOCK.

The House met.

Prayer by the Rev. Mr. Smith.

The Journal of yesterday was then read in part, when,  
On motion of Mr. Hill,  
The further reading was dispensed with.

Leave of absence for to-day was granted to Mr. Gordon of Boone.

## SENATE BILLS ON THEIR FIRST READING.

Engrossed Senate Bill No. 21. An act to amend section thirty-nine of an act entitled "An act defining felonies, and prescribing punishment therefor."

Which was read a first time, and,  
On motion,  
Referred to the judiciary committee.

Engrossed Senate Bill No. 32. An act to fix the time of holding the Circuit Court in the Twenty-Eighth Judicial Circuit, composed of the counties of Johnson, Shelby, Brown and Bartholomew, and providing for return of process, and repealing all laws in conflict therewith; and declaring an emergency.

Which was read a first time, and,  
On motion,  
Referred to a special committee consisting of Messrs. Browning, Mitchell, Curtis, Tarlton, Major and Abbett.

Engrossed Senate Bill No. 8. An act to amend the sixth, seventh, and eleventh sections of an act entitled "An act regulating the granting of divorces, nullifications of marriages, and decrees and orders



of courts incident thereto," approved May 13, 1852, and repealing all laws conflicting with this act.

Which was read a first time, and,

On motion,

Referred to the judiciary committee.

Engrossed Senate Bill No. 145. An act fixing the time of holding courts in the Twelfth Judicial Circuit, repealing all laws in conflict herewith, and declaring an emergency.

Which was read a first time, and,

On motion,

Referred to a special committee consisting of Messrs. Washburn, Davidson and Wymer.

Engrossed Senate Bill No. 136. An act to fix the time of holding the Circuit Courts in the Eighth Judicial Circuit, prescribing the length of the terms thereof, and repealing all laws in conflict herewith.

Which was read a first time, and,

On motion,

Referred to a special committee consisting of Messrs. Rhodes, Caldwell, Devol, Copner and Cunningham.

Engrossed Senate Bill No. 163. An act to authorize the consolidation of hydraulic companies, and to define the powers of such consolidated companies.

Which was read a first time, and passed to its second reading.

Leave of absence was granted to Mr. Lines for an indefinite period, on account of sickness.

Senate Joint Resolution No. 7. A joint resolution concerning the so-called Fifteenth Amendment to the Constitution of the United States and its pretended ratification, and proposing a convention of the State to amend the Constitution of the United States.

Mr. Browning moved to refer to the committee on Federal relations.

Mr. Wilson moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on the motion to refer to the committee on Federal relations.

On which the ayes and noes were demanded by Messrs. Wilson and Biggs.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Gallentine,	Miles,
Britton,	Gentry,	Mitchell,
Browning,	Goble,	Montgomery,
Bruner,	Gordon of Cass,	Oatley,
Caldwell,	Haynes,	Simpson,
Cauthorn,	Henderson,	Shutt,
Copner,	Hynes,	Stanley,
Cox,	Martin of Putnam,	Tarlton,
Cunningham,	McDonald,	Zenor,
Devol,	McGowan,	Mr. Speaker—31.
Donham,	Minick,	

*Those who voted in the negative were, Messrs.*

Beeler,	King,	Stephenson,
Biggs,	Kirkpatrick,	Stone,
Butterworth,	Knight,	Strickland,
Calkins of Fulton,	Lines,	Taylor,
Defrees,	Major,	Washburn,
Deputy,	Martin of Putnam,	White,
Heilman,	Netherton,	Wilson,
Hill,	Sabin,	Wood,
Hooker,	Sayers,	Woodward,
Kennedy,	Snodgrass,	Wymer—30.

No quorum voting.

Mr. Browning moved that the doors be closed and that the absentees, who are absent without leave, be sent for.

Which was agreed to.

Mr. Cox moved a call of the House.

Which was agreed to.

Mr. Wilson protested against a call of the House.

The Speaker ordered the Clerk to call the roll.

*Those who answered to their names were, Messrs.*

Abbett,	Haynes,	Sabin,
Beeler,	Heilman,	Sansberry,
Biggs,	Henderson,	Sayers,
Britton,	Hill,	Shutt,
Browning,	Hooker,	Snodgrass,
Bruner,	Hynes,	Stanley,
Butterworth,	Kennedy,	Stephenson,
Caldwell,	King,	Stone,
Calkins of Fulton,	Kirkpatrick,	Strickland,
Cauthorn,	Knight,	Tarlton,
Copner,	Major,	Taughinbaugh,
Cox,	Martin of Putnam,	Taylor,
Cunningham,	McDonald,	Tebbs,
Defrees,	McGowan,	Washburn,
Deputy,	Minick,	White,
Devol,	Miles,	Wilson,
Donham,	Mitchell,	Wood,
Galentine,	Montgomery,	Woodward,
Gentry,	Neff,	Wymer,
Goble,	Netherton,	Zenor,
Gordon of Cass,	Oatley,	Mr. Speaker—63.

Mr. Tebbs moved that the House do now adjourn.

Mr. Wilson demanded the ayes and noes.

Which was decided by the Speaker to be out of order.

When the motion to adjourn was agreed to.

## MONDAY MORNING.

FEBRUARY 6, 1871, 9 O'CLOCK.

The House met.

On motion of Mr. Martin of Putnam,  
Mr. Neff took the chair.

Prayer by the Rev. L. H. Jameson.

Mr. Wilson demanded a call of the House.

Which was ordered by the Speaker.

*Those answering to their names were, Messrs.*

Abbett,	Donham,	Rice,
Barnaby,	Gentry,	Sabin,
Biggs,	Gordon of Cass,	Stanley,
Britton,	Haynes,	Stone,
Browning,	Henderson,	Strickland,
Butterworth,	Hynes,	Taylor,
Calkins of Fulton,	Knight,	Washburn,
Cauthorn,	Martin of Putnam,	Wilson,
Copner,	McDonald,	Wood,
Cunningham,	Mitchell,	Woodward,
Defrees,	Neff,	Wymer,
Deputy,	Netherton,'	Zenor—38.
Devol,	Rhodes,	

There being no quorum present, the Speaker declared the House adjourned.

## TUESDAY MORNING.

FEBRUARY 7, 1871, 9 O'CLOCK.

The House met.

The Journal of Saturday was then read in part, when,

On motion of Mr. Tebbs,

The further reading of Saturday's Journal, and the reading of yesterday's Journal was dispensed with.

The unfinished business pending at the adjournment on Saturday last being the proceedings of the House under the call, which order was not acted upon yesterday,

Mr. Neff moved that further proceedings under the call be dispensed with.

Which was agreed to.

Mr. Cauthorn moved that the constitutional rule requiring bills to be read on three several days be suspended, so as to allow Senate Bill No. 21 to be taken up, read a second time by its title, and put upon its passage.

The ayes and noes were taken under the constitutional rule.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Cauthorn,	Gentry,
Barnaby,	Conner,	Goble,
Biggs,	Copner,	Gordon of Boone,
Britton,	Cox,	Gordon of Cass,
Browning,	Cunningham,	Guthrie,
Bruner,	Curtis,	Hardin,
Butterworth,	Davidson,	Hartley,
Caldwell,	Devol,	Haynes,
Calkins of Fulton,	Donham,	Heilman,
Calkins of Porter,	Gallentine,	Henderson,

Hendry,	Mitchell,	Stephens,
Hooker,	Montgomery,	St. John,
Hynes,	Neff,	Stone,
Kennedy,	Netherton,	Tarlton,
Kirkpatrick,	Oatley,	Taughinbaugh,
Lines,	Ray,	Taylor,
Major,	Rawles,	Tebbs,
Martin of Wayne,	Rhodes,	Walker,
Martin of Putnam,	Rice,	Washburn,
McDonald,	Sayers,	Warrum,
McDowell,	Simpson,	Williams,
McFarland,	Schoenemann,	Wood,
McGowan,	Shutt,	Zenor,
Minick,	Stanley,	Mr. Speaker—72.
Miles,		

*Those who voted in the negative were, Messrs.*

Ballenger,	Knight,	Snodgrass,
Beeler,	Millikan,	Strickland,
Deputy,	Monroe,	White,
Friedley,	Myers,	Wilson,
Hill,	Ruddell,	Woodward,
King,	Sabin,	Wymer—18.

So the rules were suspended, and the bill read a second time by its title.

Engrossed Senate Bill No. 21. An act to amend section thirty-nine of an act entitled "An act defining felonies and prescribing punishment therefor."

Which was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Britton,	Calkins of Fulton,
Ballenger,	Browning,	Calkins of Porter,
Barnaby,	Bruner,	Cauthorn,
Beeler,	Butterworth,	Conner,
Biggs,	Caldwell,	Copner,

Cox,	Knight,	Sayers,
Cunningham,	Lines,	Simpson,
Curtis,	Major,	Schoenemann,
Davidson,	Martin of Wayne,	Shutt,
Defrees,	Martin of Putnam,	Snodgrass,
Deputy,	McDonald,	Stanley,
Devol,	McDowell,	Stephens,
Donham,	McFarland,	Stephenson,
Friedley,	McGowan,	St. John,
Gallentine,	Minick,	Stone,
Gentry,	Miles,	Strickland,
Goble,	Millikan,	Tarlton,
Gordon of Boone,	Mitchell,	Taughinbaugh,
Cordon of Cass,	Monroe,	Taylor,
Guthrie,	Montgomery,	Tebbs,
Hardin,	Myers,	Walker,
Hartley,	Neff,	Washburn,
Haynes,	Netherton,	Warrum,
Heilman,	Oatley,	White,
Henderson,	Ray,	Williams,
Hendry,	Rawles,	Wilson,
Hill,	Rhodes,	Wood,
Hooker,	Rice,	Woodward,
Hynes,	Ruddell,	Wymer,
Kennedy,	Sabin,	Zenor,
King,	Sansberry,	Mr. Speaker—95.
Kirkpatrick,		

There being no one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered*, that the Clerk inform the Senate of the passage of the bill.

Mr. McDonald moved to suspend the constitutional rule requiring bills to be read on three several days, so as to allow him to intro-

duce a bill, that the same be read a first and second time by its title and put upon its passage.

The ayes and noes were taken under the constitutional rule.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Haynes,	Oatley,
Ballenger,	Heilman,	Ray,
Barnaby,	Henderson,	Rawles,
Britton,	Hendry,	Rhodes,
Browning,	Hooker,	Rice,
Bruner,	Hynes,	Sayers,
Caldwell,	Kennedy,	Simpson,
Calkins of Fulton,	King,	Schoenemann,
Calkins of Porter,	Kirkpatrick,	Shutt,
Cauthorn,	Knight,	Stanley,
Conner,	Lines,	Stephens,
Copner,	Major,	St. John,
Cox,	Martin of Wayne,	Stone,
Cunningham,	McDonald,	Strickland,
Curtis,	McDowell,	Tarlton,
Davidson,	McFarland,	Taughinbaugh,
Defrees,	McGowan,	Taylor,
Devol,	Minick,	Tebbs,
Donham,	Miles,	Walker,
Gallentine,	Millikan,	Washburn,
Gentry,	Mitchell,	Warrum,
Goble,	Monroe,	White,
Gordon of Cass,	Montgomery,	Wood,
Guthrie,	Myers,	Wymer,
Hardin,	Neff,	Zenor—79.
Hartley,	Netherton,	

*Those who voted in the negative were, Messrs.*

Beeler,	Hill,	Stephenson,
Biggs,	Martin of Putnam,	Williams,
Butterworth,	Ruddell,	Wilson,
Deputy,	Sabin,	Woodward,
Friedley,	Snodgrass,	Mr. Speaker—16.
Gordon of Boone,		

So the rule was suspended.



Mr. McDonald introduced

House Bill No. 265. Entitled an act to amend an act entitled "An act prescribing the duties of, and fixing the compensation of State Agent," approved June 17, 1852.

Which was read a first time by sections, and a second time by its title.

Mr. Sabin being in the chair.

Mr. Mack offered the following amendment :

Amend by fixing the salary and expenses at \$2,000.

Mr. McDonald moved to lay the amendment on the table.

On which the ayes and noes were demanded by Messrs. Ballenger and Ruddell.

*Those who voted in the affirmative were, Messrs.*

Browning,	Henderson,	Sayers,
Calkins of Fulton,	Minick,	Simpson,
Cauthorn,	Mitchell,	Shutt,
Copner,	Oatley,	Stanley,
Cox,	Rawles,	Wilson,
Deputy,	Rice,	Mr. Speaker—18.

*Those who voted in the negative were, Messrs.*

Abbett,	Davidson,	Haynes,
Ballenger,	Defrees,	Heilman,
Barnaby,	Devol,	Hendry,
Beeler,	Donham,	Hill,
Biggs,	Friedley,	Hynes,
Britton,	Gallentine,	Kennedy,
Bruner,	Gentry,	King,
Butterworth,	Goble,	Kirkpatrick,
Caldwell,	Gordon of Boone,	Knight,
Calkins of Porter,	Gordon of Cass,	Lines,
Conner,	Guthrie,	Major,
Cunningham,	Hardin,	Martin of Wayne,
Curtis,	Hartley,	Martin of Putnam,

McDonald,	Rhodes,	Taughinbaugh,
McDowell,	Ruddell,	Taylor,
McFarland,	Sabin,	Tebbs,
McGowan,	Schoenemann,	Walker,
Miles,	Snodgrass,	Washburn,
Millikan,	Stephens,	Warrum,
Monroe,	Stephenson,	White,
Montgomery,	St. John,	Wood,
Myers,	Stone,	Woodward,
Netherton,	Strickland,	Wymer,
Ray,	Tarlton,	Zenor—72.

So the amendment was not laid on the table.

The question recurring on the amendment of Mr. Mack.

Mr. McDonald moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on the amendment offered by Mr. Mack.

The ayes and noes were demanded by Messrs. Zenor and Devol.

*Those who voted in the affirmative were, Messrs.*

Browning,	Simpson,	Walker,
Donham,	Stanley,	Mr. Speaker—7.
Martin of Putnam,		

*Those who voted in the negative were, Messrs.*

Abbett,	Caldwell,	Curtis,
Ballenger,	Calkins of Fulton,	Davidson,
Barnaby,	Calkins of Porter,	Defrees,
Beeler,	Cauthorn,	Deputy,
Biggs,	Conner,	Devol,
Britton,	Copner,	Friedley,
Bruner,	Cox,	Gallentine,
Butterworth,	Cunningham,	Gentry,

Goble,	McDowell,	Shutt,
Gordon of Boone,	McFarland,	Snodgrass,
Gordon of Cass,	McGowan,	Stephens,
Guthrie,	Minick,	Stephenson,
Hardin,	Miles,	St. John,
Hartley,	Millikan,	Stone,
Haynes,	Mitchell,	Strickland,
Heilman,	Monroe,	Tarlton,
Henderson,	Montgomery,	Taughinbaugh,
Hendry,	Myers,	Taylor,
Hill,	Netherton,	Tebbs,
Hynes,	Oatley,	Washburn,
Kennedy,	Ray,	Warrum,
King,	Rawles,	White,
Kirkpatrick,	Rhodes,	Williams,
Knight,	Rice,	Wilson,
Lines,	Ruddell,	Wood,
Major,	Sabin,	Woodward,
Martin of Wayne,	Sayers,	Wymer,
McDonald,	Schoenemann,	Zenor—85.

So the amendment did not prevail, and the bill was considered to be engrossed and ordered to its third reading.

Mr. Biggs moved to refer the bill to the committee on Federal relations, with instructions to amend the same so as to reduce the salary and expenses to \$500 per annum.

Mr. Cunningham moved to lay the motion on the table.

Which was agreed to.

Mr. Wilson moved to suspend the constitutional rule so as to put the bill on its passage now.

The ayes and noes were taken under the rule.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Britton,	Caldwell,
Ballenger,	Browning,	Calkins of Porter,
Barnaby,	Bruner,	Cauthorn,
Beeler,	Butterworth,	Conner,

Copner,	Kennedy,	Sayers,
Cox,	King,	Simpson,
Cunningham,	Kirkpatrick,	Schoenemann,
Curtis,	Lines,	Shutt,
Davidson,	Major,	Stanley,
Deputy,	Martin of Wayne,	Stephens,
Devol,	McDonald,	Stephenson,
Donham,	McDowell,	St. John,
Friedley,	McFarland,	Stone,
Gallentine,	McGowan,	Strickland,
Gentry,	Minick,	Tarlton,
Goble,	Miles,	Taughinbaugh,
Gordon of Boone,	Millikan,	Taylor,
Gordon of Cass,	Mitchell,	Tebbs,
Guthrie,	Monroe,	Walker,
Hardin,	Montgomery,	Washburn,
Hartley,	Myers,	Warrum,
Haynes,	Neff,	White,
Heilman,	Oatley,	Wilson,
Henderson,	Ray,	Wood,
Hendry,	Rawles,	Woodward,
Hill,	Rice,	Wymer,
Hooker,	Sabin,	Zenor—83.
Hynes,		

*Those who voted in the negative were, Messrs.*

Biggs,	Knight,	Snodgrass,
Calkins of Fulton,	Martin of Putnam,	Williams,
Defrees,	Netherton,	Mr. Speaker—12.
Furnas,	Ruddell,	

So the rule was suspended.

House Bill No. 265. Entitled an act to amend an act entitled "An act prescribing the duties of and fixing the compensation of State Agent," approved June 17, 1852.

Which was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Guthrie,	Netherton,
Ballenger,	Hardin,	Oatley,
Barnaby,	Hartley,	Ray,
Beeler,	Haynes,	Rawles,
Biggs,	Heilman,	Rhodes,
Britton,	Henderson,	Rice,
Browning,	Hendry,	Sabin,
Bruner,	Hill,	Sayers,
Butterworth,	Hooker,	Simpson,
Caldwell,	Hynes,	Shoenemann,
Calkins of Fulton,	Kennedy,	Shutt,
Calkins of Porter,	Kirkpatrick,	Stanley,
Cauthorn,	Lines,	Stephens,
Conner,	Major,	Stephenson,
Copner,	Martin of Wayne,	St. John,
Cox,	McDonald,	Stone,
Cunningham,	McDowell,	Tarlton,
Curtis,	McFarland,	Taughinbaugh,
Deputy,	McGowan,	Taylor,
Devol,	Minick,	Tebbs,
Friedley,	Miles,	Washburn,
Furnas	Millikan,	Warrum,
Gallentine,	Mitchell,	Williams,
Gentry,	Monroe,	Wilson,
Goble,	Montgomery,	Wymer,
Gordon of Boone,	Myers,	Zenor—80.
Gordon of Cass,	Neff,	

*Those who voted in the negative were, Messrs.*

Davidson,	Martin of Putnam,	White,
Defrees,	Ruddell,	Wood,
Donham,	Snodgrass,	Woodward,
King,	Strickland,	Mr. Speaker—14.
Knight,	Walker,	

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered*, That the clerk inform the Senate of the passage of the bill.

Message from the Senate by the Secretary, thereof:

MR. SPEAKER:

I am instructed by the Senate, to inform the House that the President of the Senate has signed enrolled Senate Act No. 145, and the same is herewith transmitted for the signature of the Speaker.

The unfinished business pending at adjournment on Saturday and not acted upon yesterday, being the motion of Mr. Browning to refer Senate Joint Resolution No. 7, "a joint resolution concerning the so-called Fifteenth Amendment to the Constitution of the United States, and its pretended ratification, and proposing a convention of the States to amend the Constitution of the United States," to the committee on Federal relations, the House being upon a call of the roll on that motion, the Clerk was directed to call the roll again.

The question being, on the motion to refer.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Goble,	Neff,
Barnaby,	Gordon of Boone,	Oatley,
Britton,	Gordon of Cass,	Rice,
Browning,	Guthrie,	Simpson,
Bruner,	Hardin,	Shutt,
Caldwell,	Hartley,	Stanley,
Cauthorn,	Haynes,	Stephens,
Copner,	Henderson,	Stone,
Cox,	Hynes,	Tarlton,
Cunningham,	McDonald,	Taughinbaugh,
Curtis,	McDowell,	Tebbs,
Davidson,	McFarland,	Walker,
Devol,	McGowan,	Warrum,
Donham,	Minick,	Zenor,
Gallentine,	Miles,	Mr. Speaker—47.
Gentry,	Montgomery,	

*Those who voted in the negative were, Messrs.*

Ballenger,	King,	Sayers,
Beeler,	Kirkpatrick,	Schoenemann,
Biggs,	Knight,	Snodgrass,
Butterworth,	Lines,	Stephenson,
Calkins of Fulton,	Martin of Wayne,	St. John,
Calkins of Porter,	Martin of Putnam,	Strickland,
Conner,	Millikan,	Taylor,
Defrees,	Mitchell,	Washburn,
Deputy,	Monroe,	White,
Friedly,	Myers,	Williams,
Furnas,	Netherton,	Wilson,
Heilman,	Rawles,	Wood,
Hill,	Rhodes,	Woodward,
Hooker,	Ruddell,	Wymer—43.
Kennedy,	Sabin,	

So the resolution was referred to the committee on Federal relations.

Mr. Neff, from the committee on ways and means, submitted the following report:

MR. SPEAKER:

The committee on ways and means, to whom was referred House Bill No. 204, a bill to provide for the investment of the sinking fund, now under the control of the Auditor of State, etc., (introduced by Mr. Ruddell,) have had the same under consideration, and a majority of said committee have directed me to report the same back to the House, with the following amendments, to wit:

Strike out the word "nine," and insert the word "eight," (being the rate of interest.) In the second section, fifth line, strike out the words "enumeration of school children as reported to the Superintendent of Public Instruction," and insert, "according to the last census," and that the second section be amended as follows: insert after the word borrow, "it shall be the duty of the Auditor of State to notify the several county auditors the amount due their respective counties for distribution. With these amendments the committee recommend its passage.

Mr. Neff, from the same committee, submitted the following minority report:

MR. SPEAKER:

I am requested by the minority committee on ways and means, to whom was referred House Bill No. 204, to report the following bill as a substitute for the same:

House Bill No. 266. An act to amend the 6th section of "An act to provide for the custody and management of the notes, bonds and mortgages, arising directly out of loans heretofore made by the Board of Sinking Fund Commissioners, to continue in force on the 20th day of January, 1867, which are applicable to said loans, and the securities therefor, to clothe the Auditor of State with powers, and subject him to the duties in relation to said loans, and securities therefor, which by said laws are vested in, or impose upon said Board of Sinking Fund Commissioners, to provide for the incidental expenses of the management of said loans, and securities, including clerk hire, and for the mode and payment of such allowance for expenses, substituting the seal of the Auditor of State, for that of the Board of Sinking Fund Commissioners, and declaring an emergency for the immediate taking effect of this act, and providing for the Auditor of State to execute bond and payment of all moneys into the State Treasury.

All moneys received by the auditor under this act, or under any of the acts hereby continued in force, or belonging to said sinking fund, shall, whenever the same amounts to four thousand dollars or more, forthwith notify the Secretary and Treasurer of State of the amount of said fund in his hands, and the said auditor, secretary and treasurer, shall immediately proceed to distribute among the different counties of the State, in proportion to the number of children in such county listed for the purpose of common school education; and in making such distribution among the several counties, the said Board of Sinking Fund Commissioners shall notify the county auditor of such county or counties as may be entitled to such distributive shares or parts from time to time of the amount so ready for distribution, and thereupon the said county auditor shall draw his warrant in favor of his respective county treasurer on the Board of Commissioners of the Sinking Fund for such sum or sums as he may have been notified is ready for distribution for such



county, such treasurer shall present the same to the Board of Commissioners of the Sinking Fund who shall pay the same to such county treasurer.

SEC. 2. As fast as the said sinking fund shall come into the different counties of this State as provided by this act, the same shall be loaned out. The county auditor and county treasurer of their respective counties, shall proceed to loan out and invest said funds so held in trust for common school education, by loaning the same upon real estate security, in the same manner and subject to the same conditions as other common school funds are loaned by law.

SEC. 3. All loans hereinafter made by said auditor and treasurer, shall be at the rate of eight per cent. per annum.

Mr. Browning moved that the report of the minority be concurred in.

Mr. Williams moved that the two reports be made the special order for to-morrow (Wednesday) at three o'clock P. M.

Which was agreed to.

A message from the Senate, by Mr. Harrison, Secretary thereof:

MR. SPEAKER:

I am instructed to inform the House that the Senate has accepted the invitation of the House to attend in the hall of the House this evening at 7½ o'clock, for the purpose of receiving a memorial from the State Temperance Alliance, and will be present at the time and for the purpose named.

Also, that the President of the Senate has signed enrolled act thereof No. 173, and the same is herewith transmitted for the signature of the Speaker.

#### SPECIAL ORDER FOR THE DAY.

The hour of 11 o'clock, A. M. having arrived, being the hour appointed by the House for the consideration of the report from the judiciary committee on the subject of the Wile-Schoenemann contested election case, the same was taken up.

The same being the resolution reported by Mr. Cauthorn :

*Resolved*, That William Schoenemann, Representative elect to this General Assembly for the county of Laporte, being disqualified by the Constitution from holding a seat in this House by virtue of his having held, prior to and on the day of the commencement of the present session, the office of Deputy Postmaster at Michigan City, Indiana—an office created and held under the authority of the United States, and the annual compensation thereof being over ninety dollars per annum—the seat is hereby declared to be vacant and the Clerk of this House is ordered to notify the Governor of said vacancy without delay.

*Resolved*, That the resolution recommended by the committee on elections, as well as the resolution recommended by the committee on the judiciary in reference to this subject, be and the same are severally ordered to lie on the table.

Mr. McDonald moved the previous question on the adoption of the resolution.

Which was not seconded by the House.

Mr. Cauthorn called for a division of the question.

Which was ordered.

The question being on the adoption of so much of the first section of the resolution as declares Mr. Schoenemann disqualified and ineligible to a seat in this General Assembly.

On which the ayes and noes were demanded by Messrs. Ballenger and St. John.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Cox,	Goble,
Barnaby,	Cunningham,	Gordon of Cass,
Britton,	Curtis,	Guthrie,
Browning,	Davidson,	Hardin,
Bruner,	Devol,	Hartley,
Caldwell,	Donham,	Haynes,
Cauthorn,	Gallentine,	Hendry,
Copner,	Gentry,	Hynes,

Knight,	Montgomery,	Tarlton,
McDonald,	Neff,	Taughinbaugh,
McDowell,	Oatley,	Tebbs,
McFarland,	Rice,	Walker,
McGowan,	Simpson,	Warrum,
Minick,	Shutt,	Zenor,
Miles,	Stanley,	Mr. Speaker—47.
Mitchell,	Stephens,	

*Those who voted in the negative were, Messrs.*

Ballenger,	Kennedy,	Sabin,
Beeler,	King,	Sayers,
Biggs,	Kirkpatrick,	Snodgrass,
Butterworth,	Lines,	Stephenson,
Calkins of Fulton,	Major,	St. John,
Conner,	Martin of Wayne,	Stone,
Defrees,	Martin of Putnam,	Strickland,
Deputy,	Millikan,	Washburn,
Friedley,	Monroe,	White,
Furnas,	Myers,	Williams,
Gordon of Boone,	Netherton,	Wilson,
Heilman,	Rawles,	Wood,
Henderson,	Rhodes,	Woodward,
Hill,	Ruddell,	Wymer—43.
Hooker,		

So so much of the resolution as declares Mr. Schoenemann ineligible to a seat in this General Assembly was agreed to.

The question being on such portion of the first section of the resolution as declares a vacancy in the House of Representatives of this General Assembly from the county of Laporte.

The ayes and noes were demanded by Messrs. Ballenger and Ruddell.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Biggs,	Calkins of Fulton,
Ballenger,	Bruner,	Cauthorn,
Beeler,	Butterworth,	Conner,

Cunningham,	Martin of Wayne,	Sayers,
Deputy,	Martin of Putnam,	Snodgrass,
Devol,	Minick,	Stephens,
Friedley,	Miles,	Stephenson,
Gordon of Boone,	Millikan,	St. John,
Hardin,	Mitchell,	Stone,
Hartley,	Monroe,	Strickland,
Heilman,	Myers,	Taughinbaugh,
Henderson,	Neff,	Washburn,
Hendry,	Netherton,	Warrum,
Hill,	Oatley,	White,
Hooker,	Ray,	Williams,
Kennedy,	Rawles,	Wood,
King,	Rhodes,	Woodward,
Kirkpatrick,	Rice,	Wymer,
Knight,	Ruddell,	Zenor,
Lines,	Sabin,	Mr. Speaker—62.
Major,		

*Those who voted in the negative were, Messrs.*

Barnaby,	Gallentine,	McGowan,
Britton,	Gentry,	Montgomery,
Browning,	Goble,	Simpson,
Caldwell,	Gordon of Cass,	Shutt,
Copner,	Guthrie,	Stanley,
Cox,	Haynes,	Tarlton,
Curtis,	Hynes,	Tebbs,
Davidson,	McDonald,	Walker,
Defrees,	McDowell,	Wilson—29.
Donham,	McFarland,	

Mr. Netherton, when his name was called, said :

MR. SPEAKER:

I desire my vote to be recorded "aye" under protest, believing this action of the House improper.

So a vacancy was declared from the county of Laporte in the House of Representatives of the present General Assembly.

The question being on the adoption of the second section of the

resolution, which orders all other reports from committees on this subject to lie on the table.

On which the ayes and noes were demanded by Messrs. Cox and McDonald.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Hooker,	Rice,
Beeler,	Hynes,	Ruddell,
Browning,	Kennedy,	Sabin,
Bruner,	King,	Simpson,
Butterworth,	Kirkpatrick,	Shutt,
Caldwell,	Knight,	Stanley,
Cauthorn,	Lines,	Stephens,
Cunningham,	Major,	Stone,
Curtis,	Martin of Putnam,	Strickland,
Davidson,	McDonald,	Tarlton,
Devol,	McFarland,	Taughinbaugh,
Donham,	McGowan,	Tebbs,
Gallentine,	Minick,	Walker,
Goble,	Miles,	Washburn,
Guthrie,	Millikan,	Warrum,
Hardin,	Mitchell,	Williams,
Hartley,	Neff,	Wood,
Haynes,	Netherton,	Woodward,
Heilman,	Oatley,	Zenor,
Henderson,	Ray,	Mr. Speaker—61.
Hendry,		

*Those who voted in the negative were, Messrs.*

Ballenger,	Deputy,	Myers,
Barnaby,	Friedly,	Rawles,
Biggs,	Gentry,	Rhodes,
Britton,	Gordon of Cass,	Sayers,
Calkins of Fulton,	Hill,	Snodgrass,
Copner,	McDowell,	St. John,
Cox,	Monroe,	White,
Defrees,	Montgomery,	Wilson—24.

So all other reports from committees on same subject were ordered to lie on the table.

When,

On motion of Mr. Copner,  
The House took a recess until 2 o'clock.

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TUESDAY, FEBRUARY 7, 1871, 2 O'CLOCK P. M.

The House met.

Mr. Cauthorn presented the following communication and resolution:

MR. SPEAKER:

Since the decision of the case of Simon Wile against William Schoenemann has been disposed of, and the same point being involved in my case against W. H. Calkins, sitting member from the county of Porter, I beg leave of the House to withdraw my contest, inasmuch as I have no disposition to create a vacancy in said office and put my county to the expense of another election.

Very respectfully,

C. N. MORTON.

WHEREAS, The contestor in the case of Charles N. Morton against W. H. Calkins has asked leave of this House to withdraw the contest now pending in relation to the seat in the present Assembly from the county of Porter, for the reason therein stated; therefore,

*Be it resolved*, That Charles N. Morton be allowed to withdraw his contest herein made.

*Resolved*, That the committee on elections are hereby instructed to return the papers in said case to the Clerk of the House, to be by him preserved as other papers are preserved, and take no further action therein.

*Resolved*, That said Charles N. Morton be allowed the sum of

\$50.00 for expenses incurred herein, and \$175.00 for 35 days attendance, as per diem, and \$64.00 as mileage for 320 miles travel; that the said sums be paid by order drawn on the State treasury, attested by the Speaker of the House.

Mr. Hill demanded a division of the question.

Which was ordered by the House.

The question being on so much of the resolution as allowed the contestor to withdraw from the pending contest and directing the committee on elections to return the papers in said case to the Clerk of the House, to be by him preserved, as is usual in such cases.

Which was agreed to.

The question being on so much of the resolution as directs the Speaker to draw his warrant in favor of said C. N. Morton for \$50.00 for expenses, \$175.00 for per diem, and \$64.00 for 320 miles travel.

Mr. Neff moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

Mr. Wilson moved a call of the House.

Which was not agreed to.

The question recurring on such part of the resolution offered by Mr. Cauthorn making certain specified allowances.

The ayes and noes were demanded by Messrs. Stone and Hill.

*Those who voted in the affirmative were, Messrs.*

Browning,	Furnas,	McFarland,
Calkins of Fulton,	Gallentine,	Minick,
Calkins of Porter,	Heilman,	Neff,
Cauthorn,	Hynes,	Netherton,
Davidson,	King,	Rawles,
Donham,	Martin of Wayne,	Sabin,

Stanley,	Washburn,	Zenor,
Tebbs,	Wood,	Mr. Speaker—24.

*Those who voted in the negative were, Messrs.*

Abbett,	Gordon of Cass,	Oatley,
Ballenger,	Guthrie,	Ray,
Barnaby,	Hardin,	Rhodes,
Biggs,	Hartley,	Rice,
Britton,	Haynes,	Ruddell,
Bruner,	Henderson,	Simpson,
Butterworth,	Hill,	Shutt,
Caldwell,	Kennedy,	Snodgrass,
Conner,	Kirkpatrick,	Stephens,
Copner,	Knight,	St. John,
Cox,	Lines,	Stone,
Cunningham,	Martin of Putnam,	Strickland,
Curtis,	McDowell,	Tarlton,
Defrees,	Miles,	Taughinbaugh,
Deputy,	Millikan,	Warrum,
Devol,	Mitchell,	White,
Friedley,	Monroe,	Wilson,
Gentry,	Montgomery,	Woodward,
Goble,	Myers,	Wymer—58.
Gordon of Boone,		

So, so much of said resolution as made certain allowances to said C. N. Morton failed to prevail.

A message from the Senate, by Mr. Harrison, Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the President of the Senate has signed Enrolled Senate Act No. 175, entitled "An act to fix the time of holding the Common Pleas Courts in the county of Decatur, and repealing all laws inconsistent therewith," which is herewith transmitted to the House for the signature of the Speaker.

Mr. Calkins of Porter offered the following resolution:

*Resolved*, That Charles N. Morton be allowed the sum of \$175



for 35 days attendance and \$64 for 320 miles travel, which shall be paid on an order on the State Treasurer, attested by the Speaker.

On which the ayes and noes were demanded by Messrs. Stone and Devol.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Gallentine,	Netherton,
Ballenger,	Goble,	Oatley,
Barnaby,	Hartley,	Rawles,
Browning,	Haynes,	Rice,
Bruner,	Heilman,	Sabin,
Caldwell,	Hendry,	Simpson,
Calkins of Fulton,	Hynes,	Stanley,
Calkins of Porter,	King,	Tarlton,
Cauthorn,	Knight,	Taughinbaugh,
Conner,	Martin of Wayne,	Tebbs,
Copner,	McDonald,	Washburn,
Cunningham,	McFarland,	Warrum,
Curtis,	Minick,	Wood,
Davidson,	Miles,	Woodward,
Deputy,	Mitchell,	Wymer,
Donham,	Montgomery,	Zenor,
Furnas,	Neff,	Mr. Speaker—48.

*Those who voted in the negative were, Messrs.*

Biggs,	Henderson,	Rhodes,
Britton,	Hill,	Ruddell,
Butterworth,	Kennedy,	Shutt,
Cox,	Kirkpatrick,	Snodgrass,
Defrees,	Lines,	Stephens,
Devol,	Martin of Putnam,	St. John,
Friedley,	McDowell,	Stone,
Gordon of Boone,	Millikan,	Strickland,
Gordon of Cass,	Monroe,	White,
Guthrie,	Myers,	Wilson—33.
Hardin,	Ray,	

So the resolution prevailed.

Mr. Copner, from the committee on engrossed bills, submitted the following report:

MR. SPEAKER:

The committee on engrossed bills have examined House Bills Nos. 175, 237 and 265, and find them correctly engrossed.

Mr. Stone presented the claim of Capt. William Burres asking a re-imbursement in the sum of \$12—money paid out by him for rations purchased for recruits while he was in the recruiting service in the year 1862.

Which was,

On motion,

Referred to the committee on claims.

#### SPECIAL ORDER FOR THE DAY.

The hour of 2½ o'clock P. M. having arrived, being the hour designated by this House for the further consideration of House Bill No. 103, entitled "An act to provide for taking the sense of the qualified voters of the State on the calling of a convention to alter, amend, or revise the Constitution of the State, etc."

The question being on the motion of Mr. Neff to indefinitely postpone the bill.

Mr. McDonald moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered

The question being, on the motion to indefinitely postpone.

Which was agreed to.

Mr. Stone presented a certain claim of the Adjutant-General of Indiana.

Which was,

On motion,

Referred to the committee on claims.

Mr. Cauthorn presented the memorial of the business men's convention of the State:

*To the General Assembly of the State of Indiana:*

The undersigned, a committee appointed by a delegate convention of the business men of the State, held at Indianapolis on Wednesday, the 1st day of February, 1871, respectfully submit to your honorable body the following memorial:

Said convention was called pursuant to public notice through the daily and weekly papers of the State, and by circular letters addressed to boards of trade and business men in various towns and cities, for a commercial convention to consider, with a view to recommending appropriate legislation, certain subjects on which a revision of the laws was deemed necessary in order to further the interests of commerce, trade and manufacture, and thereby promote the general welfare. The convention was numerously attended by leading business men of the State—every congressional district but one being represented—and the convention, after careful deliberation, adopted, with remarkable unanimity, the following propositions and recommendations, the favorable consideration of which by your body will, in the judgment of the convention, promote the best interests of the State.

The convention was of the opinion that the great need of Indiana, in order to develop her vast resources, was the enactment of such laws as should promote the introduction into the State of more wealth producing citizens and more capital—briefly, more men and more money. To this end, it was deemed requisite that labor should find active and permanent employment in diversified pursuits at good wages, and that capital, whether in trust on investment or in the immediate control of its owners, should receive fuller protection by law in order to secure it from fraud and perversion, and its returns from unnecessary delay. The committee submit the several propositions adopted by the convention without explanation or argument. The reasons which actuated the convention can, if desired, be presented in detail to the various committees to which the subjects may be referred.

The convention recommend:

1. The adoption by the General Assembly of such measures as will promote immigration to this State.
2. Asking Congress to pass an appropriation to construct an out-

side harbor and otherwise improve the port of Michigan City, in accordance with the recent recommendations of the United States Board of Engineers.

3. Asking for an act providing for deeds of trust for amounts not less than five thousand dollars.

4. Asking for a law protecting the holders of warehouse receipts and bills of lading—the issuing of wrong receipts to be made a felony, and punished accordingly.

5. Asking the Legislature to pass a law more clearly defining embezzlement, and making it felony on the part of any bailee, factor or commission merchant to convert property or proceeds to his own use in amounts exceeding twenty-five dollars.

6. Asking for a law defining days of grace on bills of exchange and drafts, and to allow three days grace on sight drafts, with no grace on demand or “no time paper,” except ordinary bank checks and banker’s drafts.

7. Asking the Legislature to amend the law so as to require that deeds and mortgages shall be recorded within thirty days instead of ninety days, as at present.

8. Asking for a law providing for the return of all executions in the hands of sheriffs within ninety days instead of six months.

9. Asking for a repeal of the law allowing redemption of property sold at sheriff’s sale in all contracts hereafter to be made.

10. Asking for the repeal of all laws providing for appraisement and valuation of property sold on execution.

11. Asking the passage of a law making judgments bear the same rate of interest as the contracts on which they were obtained.

12. Asking that the Legislature pass a law prohibiting all seining and netting of fish in the streams and lakes of the State of Indiana.

13. Asking that the existing statutes relating to landlord and tenant, being harsh and oppressive, may be greatly modified.

14. Recommending a law fixing the weight of corn in the ear at seventy pounds per bushel.

15. Recommending the passage of a law against the sale of salt fish and other articles of merchandise in short-weight packages.

16. Recommending a revision of the laws for the collection of taxes, and the adoption of a system which will insure the collection of the entire amount of taxes assessed by State, county or township authority throughout the State.

17. Recommending the enactment of a law defining legal holidays.

The committee have prepared bills and petitions comprehending the above subjects, all of which are respectfully submitted to the General Assembly for their consideration.

By order of the convention.

WILLARD CARPENTER,  
B. F. JONES,  
W. P. FISHBACK,  
J. W. MURPHY,  
L. A. FOOTE,  
JOEL B. EDWARDS,  
W. R. NOFSINGER,  
NATHAN KIMBALL,  
JOHN ZULAUF,  
IRVIN REID,  
FRANCIS SMITH,  
WILLIAM WINES,  
C. B. KNOWLTON,  
H. H. WALKER,  
A. L. ROACHE,  
T. B. ELLIOTT,  
W. C. TARKINGTON,

Committee.

INDIANAPOLIS, February 6, 1871.

Mr. Cauthorn offered the following resolutions:

*Resolved*, That the memorial of the business men of the State of Indiana, together with the resolutions and bills recommended by them, be and the same are hereby referred to a select committee of four to act with a similar committee to be appointed by the Senate, and that such joint committee consider the same and report upon the same as they see proper.

*Resolved*, That the concurrence of the Senate in the appointment of such joint committee is hereby requested, and that the Clerk notify the Senate of the adoption of these resolutions.

Which was agreed to.

*Ordered*, That the Clerk inform the Senate of the passage of the resolutions.

Mr. Warrum presented the petition of certain citizens of Hancock county on the subject of divorce.

Which was,

On motion,

Referred to the committee on judiciary.

A message from the Senate, by Mr. Harrison, Secretary thereof:

MR. SPEAKER:

I am instructed by the Senate to inform the House that the Senate has passed Senate Bill No. 35, entitled an act to amend section 207 of "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases," etc.

Which is herewith transmitted for action of the House.

Also, that the Senate has passed engrossed House Bill No. 10, entitled an act to amend section one of an act entitled "An act to amend section 43 of an act entitled 'An act providing for the settlement of decedents' estates,'" etc., herewith transmitted.

Mr. Neff introduced

House Bill No. 267. Entitled an act to provide for the payment into the general fund of the State Treasury all moneys not needed belonging to the State Debt Sinking Fund.

Which was read a first time, and passed to a second reading.

Mr. Donham introduced

House Bill No. 268. An act to provide for changes of venue from criminal courts, and legalizing changes of venue heretofore made.

Which was read a first time.

Mr. Calkins of Porter moved that the constitutional rule requiring bills to be read on three several days be suspended so as to allow House Bill No. 268 to be read a second time by its title and put upon its passage.

Under the constitutional rule, the ayes and noes were taken.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Haynes,	Ray,
Barnaby,	Heilman,	Rawles,
Beeler,	Henderson,	Rhodes,
Biggs,	Hendry,	Rice,
Britton,	Hill,	Ruddell,
Browning,	Hooker,	Sabin,
Bruner,	Hynes,	Sayers,
Butterworth,	Kennedy,	Simpson,
Calkins of Fulton,	King,	Shutt,
Calkins of Porter,	Knight,	Snodgrass,
Cauthorn,	Lines,	Stanley,
Conner,	Major,	Stephens,
Copner,	Martin of Wayne,	St. John,
Cox,	Martin of Putnam,	Stone,
Cunningham,	McDonald,	Strickland,
Curtis,	McFarland,	Tarlton,
Davidson,	McGowan,	Taughinbaugh,
Devol,	Miles,	Tebbs,
Donham,	Millikan,	Walker,
Friedley,	Mitchell,	Washburn,
Furnas,	Monroe,	Warrum,
Gallentine,	Montgomery,	Wilson,
Gentry,	Myers,	Wood,
Goble,	Neff,	Woodward,
Gordon of Boone,	Netherton,	Wymer,
Gordon of Cass,	Oatley,	Zenor—80.
Hartley,		

*Those who voted in the negative were, Messrs.*

Defrees,	McDowell—2.
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So the rule was suspended.

House Bill No. 268. Entitled an act to provide for changes of venue from criminal courts, and legalizing changes of venue heretofore made.

Which was read a second time by its title, and a third time by sections.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Hartley,	Oatley,
Ballenger,	Haynes,	Rawles,
Barnaby,	Heilman,	Rhodes,
Beeler,	Henderson,	Rice,
Biggs,	Hendry,	Ruddell,
Browning,	Hill,	Sabin,
Bruner,	Hooker,	Sayers,
Butterworth,	Hynes,	Simpson,
Caldwell,	Kennedy,	Shutt,
Calkins of Porter,	King,	Snodgrass,
Canthorn,	Knight,	Stanley,
Copner,	Lines,	Stephens,
Cox,	Major,	St. John,
Cunningham,	Martin of Wayne,	Stone,
Curtis,	Martin of Putnam,	Strickland,
Davidson,	McDonald,	Tarlton,
Defrees,	McFarland,	Taughinbaugh,
Deputy,	McGowan,	Tebbs,
Devol,	Minick,	Walker,
Donham,	Miles,	Washburn,
Friedley,	Millikan,	Warrum,
Furnas,	Mitchell,	Wilson,
Gallentine,	Monroe,	Wood,
Gentry,	Montgomery,	Woodward,
Goble,	Myers,	Wymer,
Gordon of Cass,	Neff,	Zenor,
Guthrie,	Netherton,	Mr. Speaker—82.

Mr. Britton voted in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered*, that the Clerk inform the Senate of the passage of the bill.



Mr. St. John presented four several petitions of certain citizens of Grant county on the subject of temperance.

Which were,  
On motion,  
Referred to the committee on temperance.

Mr. Millikan presented the petition of sundry citizens of Henry county asking the modification of the divorce laws.

Which was,  
On motion,  
Referred to the committee on judiciary.

Mr. Britton presented the petition of certain citizens of Carroll county, Indiana, on the subject of temperance.

Which was,  
On motion,  
Referred to the committee on temperance.

Mr. Cox presented the petition of sundry citizens of Miami county on the subject of gravel roads.

Which was,  
On motion,  
Referred to the committee on rights and privileges.

Mr. McFarland presented the petition of sundry citizens of Pike county on the subject of temperance.

Which was,  
On motion,  
Referred to the committee on temperance.

Senate Joint Resolution No. 6. A joint resolution for the adjustment and collection of claims in the State of Indiana.

The question being, shall the joint resolution pass?

The ayes and noes were taken under the constitutional rule.

*Those who voted in the affirmative were, Messrs.*

Ballenger,  
Barnaby,

Beeler,  
Britton,

Browning,  
Bruner,

Butterworth,	Hendry,	Rawles,
Caldwell,	Hill,	Rhodes,
Calkins of Porter,	Hooker,	Rice,
Cauthorn,	Hynes,	Ruddell,
Conner,	Kennedy,	Sabin,
Copner,	King,	Simpson,
Cox,	Kirkpatrick,	Shutt,
Cunningham,	Knight,	Snodgrass,
Curtis,	Lines,	Stanley,
Davidson,	Major,	Stephens,
Defrees,	Martin of Wayne,	St. John,
Deputy,	McDonald,	Stone,
Devol,	McDowell,	Strickland,
Donham,	McFarland,	Tarlton,
Friedley,	McGowan,	Taughinbaugh,
Furnas,	Minick,	Tebbs,
Gallentine,	Miles,	Walker,
Gentry,	Millikan,	Washburn,
Goble,	Mitchell,	Warrum,
Gordon of Boone,	Monroe,	White,
Gordon of Cass,	Montgomery,	Wilson,
Guthrie,	Myers,	Wood,
Hartley,	Neff,	Woodward,
Haynes,	Netherton,	Wymer,
Heilman,	Oatley,	Zenor—82.
Henderson,		

*Those who voted in the negative were, Messrs.*

Sayers,

Mr. Speaker—2.

So the joint resolution passed.

The question being, shall the title as read stand as the title of the joint resolution?

It was so ordered.

*Ordered,* That the Clerk inform the Senate of the passage of the joint resolution.

Senate Joint Resolution No. 8. Entitled a joint resolution in relation to the improvement of the harbor at Michigan City.

The question being, shall the joint resolution pass?

- Under the constitutional rule, the ayes and noes were taken.

*Those who voted in the affirmative were, Messrs.*

Ballenger,	Hartley,	Rawles,
Barnaby,	Haynes,	Rhodes,
Beeler,	Heilman,	Rice,
Biggs,	Henderson,	Ruddell,
Browning,	Hendry,	Sabin,
Bruner,	Hill,	Sayers,
Butterworth,	Hooker,	Simpson,
Caldwell,	Hynes,	Shutt,
Calkins of Fulton,	Kennedy,	Snodgrass,
Calkins of Porter,	King,	Stanley,
Cauthorn,	Kirkpatrick,	Stephens,
Conner,	Lines,	St. John,
Copner,	Major,	Stone,
Cox,	Martin of Wayne,	Strickland,
Cunningham,	McDonald,	Tarlton,
Curtis,	McDowell,	Taughinbaugh,
Davidson,	McFarland,	Tebbs,
Defrees,	McGowan,	Walker,
Deputy,	Minick,	Washburn,
Devol,	Miles,	Warrum,
Donham,	Millikan,	White,
Friedley,	Mitchell,	Williams,
Furnas,	Monroe,	Wilson,
Gallentine,	Montgomery,	Wood,
Gentry,	Myers,	Woodward,
Goble,	Neff,	Wymer,
Cordon of Cass,	Netherton,	Zenor,
Guthrie,	Oatley,	Mr. Speaker—86.

There being no one voting in the negative.

So the joint resolution passed.

The question being, shall the title as read, stand as the title of the joint resolution?

It was so ordered.

*Ordered*, That the Clerk inform the Senate of the passage of the joint resolution.

Engrossed Senate Bill No. 149. Entitled an act to amend section fourteen of an act entitled "An act concerning promissory notes and bills of exchange."

Which was read a first time, and passed to a second reading.

ENGROSSED BILLS, AND ENGROSSED BILLS FROM THE SENATE ON  
THEIR THIRD READING.

Engrossed House Bill No. 75. An act making illegal and void all contracts for the payment of attorney's fees by the promissor in such contract.

Which was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Gallentine,	Millikan,
Ballenger,	Gentry,	Mitchell,
Barnaby,	Goble,	Monroe,
Beeler,	Gordon of Boone,	Montgomery,
Biggs,	Gordon of Cass,	Myers,
Browning,	Guthrie,	Neff,
Bruner,	Hardin,	Netherton,
Butterworth,	Hartley,	Oatley,
Caldwell,	Haynes,	Ray,
Calkins of Fulton,	Hendry,	Rawles,
Calkins of Porter,	Hill,	Rice,
Cauthorn,	Hynes,	Sabin,
Conner,	Kennedy,	Sayers,
Copner,	Lines,	Simpson,
Cox,	Major,	Shutt,
Cunningham,	Martin of Wayne,	Snodgrass,
Curtis,	Martin of Putnam,	Stanley,
Davidson,	McDowell,	Stephens,
Defrees,	McFarland,	St. John,
Deputy,	McGowan,	Strickland,
Donham,	Minick,	Tarlton,
Furnas,	Miles,	Taughinbaugh,

Tebbs,	Williams,	Wymer,
Walker,	Wood,	Zenor—74.
Washburn,	Woodward,	

*Those who voted in the negative were, Messrs.*

Devol,	King,	Stone,
Friedley,	Kirkpatrick,	Warrum,
Heilman,	Knight,	White,
Henderson,	Ruddell,	Mr. Speaker—13.
Hooker,		

So the bill passed.

The question being, shall the title as read stand as the title of the bill.

It was so ordered.

*Ordered,* That the Clerk inform the Senate of the passage of the bill.

Engrossed House Bill No. 62. Entitled an act to amend and consolidate the several acts relating to the protection and preservation of game, birds and fish.

Which was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Ballenger,	Haynes,	Ruddell,
Barnaby,	Henderson,	Sabin,
Beeler,	King,	Sayers,
Butterworth,	Kirkpatrick,	Simpson,
Calkins of Fulton,	Knight,	St. John,
Calkins of Porter,	Martin of Wayne,	Stone,
Conner,	Martin of Putnam,	Taughinbaugh,
Defrees,	McDonald,	Taylor,
Deputy,	Myers,	Tebbs,
Furnas,	Netherton,	White,
Gallentine,	Ray,	Williams,
Gordon of Cass,	Rawles,	Wilson—39.
Guthrie,		

*Those who voted in the negative were, Messrs.*

Abbett,	Hartley,	Oatley,
Britton,	Heilman,	Rhodes,
Browning,	Hill,	Rice,
Bruner,	Hooker,	Shutt,
Caldwell,	Hynes,	Snodgrass,
Cauthorn,	Kennedy,	Stanley,
Copner,	Lines,	Stephens,
Cox,	Major,	Strickland,
Cunningham,	McDowell,	Tarlton,
Curtis,	McFarland,	Walker,
Davidson,	McGowan,	Washburn,
Devol,	Minick,	Warrum,
Donham,	Miles,	Wood,
Friedly,	Millikan,	Woodward,
Gentry,	Mitchell,	Wymer,
Goble,	Monroe,	Zenor,
Gordon of Boone,	Montgomery,	Mr. Speaker—53.
Hardin,	Neff,	

So the bill failed to pass.

Engrossed House Bill No. 82. Entitled an act to amend an act entitled "An act to provide for the periodical enumeration of the white male inhabitants of this State over the age of twenty-one years," etc.

Having been read a third time on a previous day, and failed to pass for want of a constitutional majority, the question recurs, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Ballenger,	Friedley,	Kirkpatrick,
Beeler,	Furnas,	Knight,
Biggs,	Gordon of Boone,	Lines,
Butterworth,	Heilman,	Major,
Calkins of Fulton,	Henderson,	Martin of Wayne,
Calkins of Porter,	Hill,	Martin of Putnam,
Conner,	Hooker,	Millikan,
Defrees,	Kennedy,	Monroe,
Deputy,	King,	Myers,

Netherton,	Snodgrass,	White,
Ray,	St. John,	Williams,
Rawles,	Stone,	Wilson,
Rhodes,	Strickland,	Wood,
Ruddell,	Taylor,	Woodward,
Sabin,	Washburn,	Wymer—46.
Sayers,		

*Those who voted in the negative were, Messrs.*

Abbett,	Goble,	Montgomery,
Barnaby,	Gordon of Cass,	Neff,
Britton,	Guthrie,	Oatley,
Browning,	Hardin,	Rice,
Bruner,	Hartley,	Simpson,
Caldwell,	Haynes,	Shutt,
Cauthorn,	Hendry,	Stanley,
Copner,	Hynes,	Stephens,
Cox,	McDonald,	Tarlton,
Cunningham,	McDowell,	Taughinbaugh,
Curtis,	McFarland,	Tebbs,
Devol,	McGowan,	Walker,
Donham,	Minick,	Warrum,
Gallentine,	Miles,	Zenor,
Gentry,	Mitchell,	Mr. Speaker—46.

So the bill failed to pass for want of a constitutional majority.

Engrossed House Bill No. 68. Entitled an act to amend an act entitled "An act districting the State for the purpose of electing four judges of the Supreme Court," approved February 19th, 1852, and creating the Fifth District.

Which was read a third time.

The question being, shall the bill pass?

Mr. Gordon, of Cass, moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Ballenger,	Hill,	Sabin,
Beeler,	Hooker,	Sayers,
Biggs,	Kennedy,	Shutt,
Butterworth,	King,	Stanley,
Calkins of Fulton,	Kirkpatrick,	Strickland,
Calkins of Porter,	Knight,	Taylor,
Defrees,	Martin of Wayne,	Walker,
Deputy,	McDonald,	White,
Friedley,	McFarland,	Williams,
Furnas,	Minick,	Wilson,
Gordon of Boone,	Netherton,	Wood,
Haynes,	Rawles,	Woodward,
Heilman,	Rhodes,	Wymer,
Henderson,	Rice,	Mr. Speaker—44.
Hendry,	Ruddell,	

*Those who voted in the negative were, Messrs.*

Abbett,	Gentry,	Montgomery,
Barnaby,	Goble,	Myers,
Britton,	Gordon of Cass,	Neff,
Browning,	Guthrie,	Oatley,
Bruner,	Hardin,	Ray,
Caldwell,	Hartley,	Simpson,
Cauthorn,	Hynes,	Snodgrass,
Conner,	Lines,	Stephens,
Copner,	Major,	St. John,
Cox,	Martin of Putnam,	Stone,
Cunningham,	McDowell,	Tarlton,
Curtis,	McGowan,	Taughinbaugh,
Davidson,	Miles,	Tebbs,
Devol,	Millikan,	Washburn,
Donham,	Mitchell,	Warrum,
Gallentine,	Monroe,	Zenor—52.

So the bill failed to pass.

A message from the Senate by the Secretary thereof.



MR. SPEAKER:

I am instructed to inform the House that the Senate has passed the following concurrent resolution:

WHEREAS, In the opinion of this General Assembly there is no necessity for the further continuance of the office of Agent of State, that the further continuance of said office will be a useless expense to the State; and,

WHEREAS, On the 12th day of January, 1871, that being the 7th day of the present session of this General Assembly, a bill was introduced in this Senate, providing among other things, for the abolition of the office of Agent of State; and,

WHEREAS, On the eighth day of the present session said bill was referred to the committee on the judiciary; and,

WHEREAS, Said committee not having made any report on said bill, the Senate, by resolution, did, on the 2d day of February, request said committee to make report on said bill, on or before February 6th, and said bill, by order of the Senate, was made the special order for half past two o'clock on Monday, February 6th; and,

WHEREAS, Said committee have not made any report on said bill; and,

WHEREAS, There was no quorum present in the Senate on Monday, February 6th, to take action upon said bill, as to compel a report from said committee; and,

WHEREAS, On the 12th day of January, 1871, the Senate and House of Representatives passed a concurrent resolution fixing time for the election of Agent of State on Wednesday, February 8th, unless said office should be abolished before that time; and,

WHEREAS, By reason of the facts hereinbefore stated, the Senate has not had sufficient time to pass upon said bill abolishing said office of Agent of State; therefore,

*Resolved by the Senate, (the House of Representatives concurring,)* That the time for holding the joint convention of the two Houses for the election of Agent of State be postponed two weeks, and that the time for holding said convention be fixed for Wednesday, at half past two o'clock, on the 22d day of February, 1871, unless said office shall before that time be abolished.

In which action of the Senate, the House is requested to concur.

Mr. Browning moved to reconsider the vote on House Bill No. 68, and to lay the motion to reconsider on the table.

Which was not agreed to.

Mr. Gordon, of Cass, moved to suspend the rules and take up Senate concurrent resolution abolishing the office of Agent of State.

On which the ayes and noes were demanded by Messrs. Wilson and Ruddell.

*Those who voted in the affirmative were, Messrs.*

Ballenger,	King,	Sabin,
Beeler,	Kirkpatrick,	Sayers,
Biggs,	Knight,	Snodgrass,
Butterworth,	Lines,	St. John,
Calkins of Fulton,	Major,	Stone,
Calkins of Porter,	Martin of Wayne,	Strickland,
Conner,	Martin of Putnam,	Taylor,
Deputy,	Millikan,	Washburn,
Friedley,	Monroe,	Williams,
Furnas,	Netherton,	Wilson,
Gordon of Boone,	Rawles,	Wood,
Heilman,	Rhodes,	Woodward,
Hill,	Ruddell,	Wymer—37.
Kennedy,		

*Those who voted in the negative were, Messrs.*

Abbett,	Devol,	McDonald,
Barnaby,	Donham,	McDowell,
Britton,	Gallentine,	McFarland,
Browning,	Gentry,	McGowan,
Bruner,	Goble,	Minick,
Caldwell,	Gordon of Cass,	Miles,
Cauthorn,	Guthrie,	Mitchell,
Copner,	Hardin,	Montgomery,
Cox,	Hartley,	Neff,
Cunningham,	Haynes,	Oatley,
Curtis,	Henderson,	Ray,
Davidson,	Hendry,	Rice,
Defrees,	Hynes,	Simpson,

Shutt,	Taughinbaugh,	White,
Stanley,	Tebbs,	Zenor,
Stephens,	Walker,	Mr. Speaker—52.
Tarlton,	Warrum,	

So the rules were not suspended.

Leave of absence was granted to Mr. Holland for an unlimited time on account of sickness.

Mr. Stone moved that the House take a recess until 7½ o'clock P. M.

Which was agreed to.

Whereupon, the Speaker declared the House adjourned to 7½ o'clock P. M.

TUESDAY EVENING, FEBRUARY 7, 1871, 7½ O'CLOCK.

The House met.

The Senate, upon the invitation of the House, meeting in joint convention—the Lieutenant Governor in the chair.

The memorial of the State Temperance Alliance was then read to the joint convention by the Hon. Barnabas C. Hobbs, as follows:

*To the General Assembly of the State of Indiana:*

At the last session of the Indiana State Temperance Alliance, held in the city of Indianapolis, February 1st and 2d, 1871, among other proceedings the following memorial was adopted, viz.:

Memorial to the Senate and House of Representatives of the State of Indiana by the State Temperance Alliance of Indiana:

GENTLEMEN: Being solemnly impressed with the belief that the peace, order and prosperity of a State depend on the industry, temperance, intelligence and virtue of its citizens, and that the use and sale of intoxicating liquors as a beverage is subversive of these

ends; and that the State is not without its responsibility for the results of imperfect laws, and for any lack of legislation that will render the people unable to protect themselves from the damages of immorality and crime; and remembering that the constitution of this State concedes to the people that all free governments are, and of right ought to be, founded on their authority and instituted for their peace, safety and well being.

And while we declare that our ultimate object and purpose is the entire suppression of the traffic in intoxicating liquors as a beverage, yet, for the purpose of advancing toward, and attaining that object, we respectfully and earnestly ask your honorable body,

First. To enact such law or laws as will forbid and suppress the traffic in intoxicating liquors as a beverage, except upon petition of a majority of the legal voters of the township, town, or city ward in which such sale is proposed to be made.

Second. That all venders of intoxicating liquors shall be held by law, jointly liable with the person intoxicated, for the crimes or misdemeanors of those whom they have caused by such sale to be intoxicated.

Third. That all rooms used for the sale of intoxicating liquors be kept open to the public, and unobstructed by screens or other blinds while making such sales, and that such rooms be closed, and sales declared illegal, that are made on the Sabbath, Christmas, New Year, Fourth of July, Thanksgiving days, and on all election days; and whenever the provisions of the law under which permission to sell intoxicating liquors has been given, are violated, such permission shall be forfeited.

Fourth. That it be made the duty of the Prosecuting Attorney of the criminal, circuit or common pleas courts, or some of such attorneys, to appear before the boards of county commissioners of their respective circuits or districts, and for and in behalf of the State of Indiana, resist the granting of any and all permission to sell intoxicating liquors in less quantities than a quart, providing that the applicant shall pay the fees of such attorney on the basis of a smaller amount where permission is granted, than when refused; and, also, providing that appeals shall be taken from any subordinate tribunal, in the name of the State, without bond, and, pending such appeal, the applicant shall not sell, barter, or give away liquors.

Holding dear the interests of both Church and State, and desiring the guarantee to every citizen of all those rights and privileges which are not inconsistent with the general good, and which will not be a snare for and a ruin to our youth, we earnestly ask for the enactment of such laws as will shield the citizens of the State from intemperance and crime, and inspire our youth with the love of temperance, purity, virtue and truth—and for these things we shall ever pray.

BARNABAS HOBBS,  
F. C. HOLIDAY,  
A. L. ROBINSON,  
T. B. McCORMICK,  
JOHN W. RAY,

Committee on Temperance Legislation.

We, R. T. Brown, President, and Thomas A. Goodwin, Secretary, of the Indiana State Temperance Alliance, hereby certify the foregoing to be a copy of the memorial passed by the Indiana State Temperance Alliance, February 2. 1871.

Witness our hands this — day of February, A. D., 1871.

R. T. BROWN, President.  
T. A. GOODWIN, Secretary.

Whereupon, the Lieutenant Governor said :

The purposes for which the convention assembled having been accomplished, I now declare it adjourned *sine die*.

When,

On motion of Mr. Davidson,  
The House adjourned.

## WEDNESDAY MORNING.

FEBRUARY 8, 1871, 9 O'CLOCK.

The House met.

Prayer by the Rev. J. W. Asbury.

The Journal of yesterday was then read in part, when,  
On motion of Mr. Wymer,  
The further reading thereof was dispensed with.

Mr. McDowell, from the committee on elections, submitted the following minority report:

MR. SPEAKER:

WHEREAS, Robert S. Taylor, the sitting member from Allen county, did, at the date of the last general election, to wit: October 11, 1870, hold the office of judge of the Nineteenth Judicial Circuit of Indiana, under appointment of the Governor; and,

WHEREAS, Said office was a lucrative office, and, under section nine of article second of the Constitution of the United States or under this State, no person holding a lucrative office shall be eligible to a seat in the General Assembly, nor shall any person hold more than one lucrative office at the same time, except as in this Constitution expressly permitted: *Provided*, That offices in the militia to which there is attached no annual salary, and the office of deputy postmaster, when the compensation does not exceed ninety dollars per annum, shall not be deemed lucrative: *And, provided, also*, That counties containing less than one thousand polls may confer the offices of clerk, recorder and auditor, or any two of said offices, upon the same person; said Taylor was ineligible to a seat in the General Assembly; and,

WHEREAS, Said office of judge, as aforesaid, is a judicial office, and, under section sixteen, of article seven of the Constitution of the State of Indiana, which section reads as follows, to wit: "No

person elected to any judicial office shall, during the term for which he shall have been elected, be eligible to any office of trust or profit under the State, other than a judicial office," said Taylor was wholly ineligible to a seat in the General Assembly, for the reason that the office of Representative is not a judicial office; therefore,

*Be it resolved*, That Robert S. Taylor is not eligible to a seat in this General Assembly, and is not entitled thereto.

*And be it further resolved*, That there is a vacancy in said seat, and that the Clerk of this House be instructed to notify the Governor of such vacancy.

GEO. McDONALD,  
J. D. COX.

Mr. Ballenger moved that the report be made the special order for 10 o'clock to-morrow morning.

On which the ayes and noes were demanded by Messrs. McDowell and Cox.

*Those who voted in the affirmative were, Messrs.*

Ballenger,	Gordon of Cass,	Netherton,
Barnaby,	Heilman,	Ray,
Beeler,	Henderson,	Rawles,
Biggs,	Hooker,	Rhodes,
Bruner,	King,	Ruddell,
Calkins of Fulton,	Knight,	Sabin,
Calkins of Porter,	Lines,	Sayers,
Coggsell,	Major,	St. John,
Copner,	Martin of Wayne,	Stone,
Defrees,	Martin of Putnam,	Strickland,
Deputy,	Millikan,	Washburn,
Friedley,	Mitchell,	White,
Furnas,	Monroe,	Wood,
Gordon of Boone,	Myers,	Wymer—41.

*Those who voted in the negative were, Messrs.*

Abbett,	Caldwell,	Conner,
Britton,	Cauthorn,	Cox,
Browning,	Coggsell,	Cunningham,

Curtis,	McDonald,	Shutt,
Davidson,	McDowell,	Stephens,
Devol,	McFarland,	Tarlton,
Donham,	McGowan,	Taughinbaugh,
Gallentine,	Minick,	Tebbs,
Gentry,	Miles,	Walker,
Goble,	Montgomery,	Warrum,
Guthrie,	Neff,	Wilson,
Hardin,	Rice,	Woodward,
Hartley,	Sansberry,	Zenor,
Hendry,	Simpson,	Mr. Speaker—44.
Hynes,		

So the report was not postponed.

Mr. Cauthorn, from the majority of the committee on elections, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred the contested election case of Walters *versus* Taylor, have had the same under consideration, and have been unable to agree. The majority of the committee have directed me to report the same back to the House, with the following resolution, to wit:

*Resolved*, That Robert S. Taylor was duly and legally elected a Representative from the county of Allen to this General Assembly, and that he is entitled to the seat he now occupies in this House.

H. S. CAUTHORN.

Mr. McDonald moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on the adoption of the minority report.

The ayes and noes were demanded by Messrs. McDowell and Cox.



*Those who voted in the affirmative were, Messrs.*

Cox,

McDowell—2.

*Those who voted in the negative were, Messrs.*

Abbett,	Hardin,	Rawles,
Ballenger,	Hartley,	Rhodes,
Barnaby,	Heilman,	Rice,
Beeler,	Henderson,	Ruddell,
Biggs,	Hendry,	Sabin,
Browning,	Hill,	Sansberry,
Bruner,	Hooker,	Sayers,
Butterworth,	Hynes,	Simpson,
Caldwell,	Kennedy,	Shutt,
Calkins of Fulton,	King,	Snodgrass,
Calkins of Porter,	Kirkpatrick,	Stephens,
Cauthorn,	Knight,	St. John,
Coggsell,	Lines,	Stone,
Conner,	Major,	Strickland,
Copner,	Martin of Wayne,	Tarlton,
Cunningham,	Martin of Putnam,	Taughinbaugh,
Davidson,	McDonald,	Tebbs,
Defrees,	McFarland,	Walker,
Deputy,	McGowan,	Washburn,
Devol,	Minick,	Warrum,
Donham,	Miles,	White,
Friedley,	Mitchell,	Williams,
Furnas,	Monroe,	Wilson,
Galentine,	Montgomery,	Wood,
Gentry,	Myers,	Woodward,
Goble,	Neff,	Wymer,
Gordon of Boone,	Netherton,	Zenor,
Gordon of Cass,	Oatley,	Mr. Speaker—87.
Guthrie,		

Messrs. Britton and Curtis were excused from voting.

So the minority report was not adopted.

The question recurring on the report of the majority from the committee on elections.

The ayes and noes were demanded by Messrs. Neff and Ballenger.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Hardin,	Netherton,
Ballenger,	Hartley,	Oatley,
Beeler,	Haynes,	Rawles,
Biggs,	Heilman,	Rhodes,
Browning,	Henderson,	Rice,
Barnaby,	Hendry,	Ruddell,
Bruner,	Hill,	Sabin,
Butterworth,	Hooker,	Sansberry,
Caldwell,	Hynes,	Shutt,
Calkins of Fulton,	Kennedy,	Snodgrass,
Calkins of Porter,	King,	Stephens,
Cauthorn,	Kirkpatrick,	St. John,
Coggsell,	Knight,	Stone,
Conner,	Lines,	Strickland,
Copner,	Major,	Tarlton,
Cunningham,	Martin of Wayne,	Taughinbaugh,
Curtis,	Martin of Putnam,	Tebbs,
Davidson,	McDonald,	Walker,
Defrees,	McFarland,	Washburn,
Deputy,	McGowan,	Warrum,
Devol,	Minick,	Williams,
Donham,	Miles,	White,
Friedley,	Millikan,	Wilson,
Furnas,	Mitchell,	Wymer,
Gallentine,	Monroe,	Wood,
Goble,	Montgomery,	Woodward,
Gordon of Boone,	Myers,	Zenor,
Gordon of Cass,	Neff,	Mr. Speaker—87.
Guthrie,		

*Those who voted in the negative were, Messrs.*

Cox,

McDowell—2.

So the report was adopted.

Mr. Briggs presented the petition of sundry citizens of Pierceton

on the subject of re-appraisement of real estate in incorporated towns.

Which was,

On motion,

Referred to the committee on corporations.

Mr. Browning offered the following resolution:

*Resolved*, That the Clerk be allowed to draw fifty dollars worth of stationery in addition to that already ordered by the House.

Which was adopted.

Leave of absence was granted to the committee on benevolent institutions for to-day.

Mr. McDonald, from the committee on judiciary, submitted the following report:

MR. SPEAKER:

Your committee on judiciary, to whom was referred Senate Bill No. 105, entitled "An act to abolish the Twenty-Ninth Judicial Circuit, (Jefferson Criminal Circuit Court,) and to transfer its business to the Circuit Court, to provide for the jurisdiction of the Circuit and Common Pleas Courts of Jefferson county, in cases of felony and misdemeanors, and matters connected therewith," have had the same under consideration, and beg leave to report the same back to the House with the recommendation that it pass with the following amendment:

In section 5, in line 5, after the word "misdemeanor," add the following words: And felonies, as provided by the 17th section of an act to establish Courts of Common Pleas, and defining the jurisdiction and duties of, and providing compensation for judges thereof, approved May 14, 1852, and took effect March 5th, 1859.

Which was concurred in.

Mr. Neff, from the judiciary committee, submitted the following report:

MR. SPEAKER:

The committee on judiciary, to whom was referred House Bill

No. 205, entitled "An act releasing the interest of the State of Indiana, by escheat in the lands, formerly owned by Ralph Turner, deceased," have had the same under consideration, and beg leave to report the same back, with the recommendation that it pass.

Which report was concurred in.

Mr. Friedley, from the committee on the judiciary, submitted the following report :

MR. SPEAKER:

The committee on judiciary, to whom was referred House Bill No. 171, entitled "An act providing for proceedings supplementary to execution before justices of the peace, being supplemental to an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, power and duties in civil cases, approved June 9th, 1852," have had the same under consideration, and beg leave to report the same back, with the recommendation that it lie on the table.

Which report was not concurred in.

Mr. McDonald, from the judiciary committee, submitted the following report :

MR. SPEAKER:

The judiciary committee, to whom was referred the question of the amount of per diem which should be paid to the Doorkeepers' assistants and employes of the Doorkeepers, in accordance with the law now regulating the same, have had the same under consideration, and beg leave to submit the following decision of the committee :

The Doorkeepers' assistants should be paid five dollars per day, and all other employes of the Doorkeepers necessary to keep the Hall of the House in good condition, should be paid three dollars. This the committee believe to be the law, and can not decide otherwise.

Which report was concurred in.

\* Mr. Miles, from the committee on banks, submitted the following report :

MR. SPEAKER:

The committee on banks, to whom was referred House Bill No. 6, entitled "An act to provide for the assessment and collection of taxes for municipal purposes on the shares of stock owned in banks and banking associations doing business in the State," report that they have had the same under consideration, and respectfully recommend that said bill do pass.

Mr. Miles moved that the report be made the special order for Thursday, at 2 o'clock P. M.

Which was agreed to.

Mr. Abbett, from the committee on education, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House Bill No. 234, entitled "An act providing for a general system of common schools in all cities of thirty thousand or more inhabitants, and for the election of a Board of School Commissioners for such cities, and defining their duties, and prescribing their powers, and providing for common school libraries within such cities," have had the same under consideration and report the same back, with the recommendation that it pass.

Which report was accepted.

Mr. Ruddell moved that the rule requiring that bills be read on three several days be suspended, so as to allow the bill to be read a second time by its title, and put upon its passage.

The ayes and noes were taken under the constitutional rule.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Calkins of Fulton,	Furnas,
Ballenger,	Cauthorn,	Goble,
Biggs,	Copner,	Gordon of Cass,
Browning,	Davidson,	Hardin,
Bruner,	Deputy,	Heilman,
Caldwell,	Friedley,	Hendry,

Hill,	Millikan,	St. John,
Hynes,	Mitchell,	Strickland,
Kennedy,	Myers,	Taughinbaugh,
King,	Neff,	Taylor,
Kirkpatrick,	Netherton,	Tebbs,
Knight,	Oatley,	Washburn,
Lines,	Rawles,	Williams,
Major,	Ray,	Wilson,
Martin of Wayne,	Ruddell,	Wymer,
Martin of Putnam,	Sansberry,	Wood,
McDonald,	Sayers,	Zenor,
McFarland,	Shutt,	Mr. Speaker—55.
Minick,	Snodgrass,	

*Those who voted in the negative were, Messrs.*

Britton,	Donham,	Rhodes,
Coggsell,	Gentry,	Stephens,
Cox,	Hartley,	Stone,
Defrees,	Henderson,	Warrum—14.
Devol,	Montgomery,	

So the rule was not suspended.

Mr. Zenor, from the committee on claims, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred the claim of the proprietors of the paper called "The People," for \$32.96, have had the same under consideration, and recommend that it be allowed.

Which was concurred in.

Mr. Tebbs, from the committee on claims, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred the claim of W. B. Vickers for \$50.40, have had the same under consideration, and recommend that the same be allowed.

Which was concurred in.

Mr. Tebbs, from the committee on claims, submitted the following report :

MR. SPEAKER :

Your committee, to whom was referred the claim of Eliza Blake for \$250, have had the same under consideration, and recommend that it be allowed.

Which was concurred in.

Mr. Gordon of Boone, from the committee on claims, submitted the following report :

MR. SPEAKER :

The committee on claims, to whom was referred the resolution in relation to the claim of Jared Cothrell, have considered the same, and recommend the same be not allowed.

Which report was concurred in.

Mr. Sabin, from the committee on claims, submitted the following report :

MR. SPEAKER :

The committee on claims, to whom was referred resolution in relation to authorizing the Governor of the State of Indiana to offer \$500 for the arrest of one J. T. Fleming, for the murder of Abel Hale, of Jefferson county, in said State, have had the same under consideration, and recommend that it be not allowed.

Which report was concurred in.

Mr. Browning, from the committee on claims, submitted the following report :

MR. SPEAKER :

The committee on claims, to whom was referred the claim of Matthew L. Brett, for \$1,360, have investigated the claim, and recommend, by a unanimous vote of the committee, that the same be allowed.

Mr. Calkins of Porter, offered the following amendment:

Amend by striking out \$1,360 and insert \$1,000.

Also, insert at end of resolution, provided that said Brett shall make, execute and deliver a bond to said State, conditioned for its re-payment if it should hereafter be proven that said money is not for the return of money lost by him.

Which was decided to be out of order by the Speaker.

The question being on concurring in the report of the committee.

The ayes and noes were demanded by Messrs. Friedley and Martin of Putnam.

*Those who voted in the affirmative were, Messrs.*

Barnaby,	Hartley,	Rawles,
Beeler,	Haynes,	Rice,
Britton,	Heilman,	Ruddell,
Browning,	Henderson,	Sabin,
Bruner,	Hooker,	Simpson,
Caldwell,	Hynes,	Shutt,
Cauthorn,	King,	Stephens,
Coggsowell,	Kirkpatrick,	Strickland,
Copner,	Martin of Wayne,	Tarlton,
Cox,	McDonald,	Taughinbaugh,
Curtis,	McFarland,	Taylor,
Davidson,	Minick,	Tebbs,
Donham,	Miles,	Wilson,
Furnas,	Mitchell,	Wymer,
Goble,	Neff,	Zenor,
Gordon of Cass,	Netherton,	Mr. Speaker—50.
Hardin,	Oatley,	

*Those who voted in the negative were, Messrs.*

Ballenger,	Deputy,	Hendry,
Biggs,	Devol,	Hill,
Calkins of Fulton,	Friedley,	Kennedy,
Calkins of Porter,	Gentry,	Knight,
Cunningham,	Gordon of Boone,	Lines,
Defrees,	Guthrie,	Major,



Martin of Putnam,	Sansberry,	Stone,
Millikan,	Sayers,	Washburn,
Montgomery,	Snodgrass,	Warrum,
Myers,	Stephenson,	White,
Ray,	St. John,	Wood—34.
Rhodes,		

So the report was concurred in.

Mr. Browning, from the committee on claims, submitted the following report:

MR. SPEAKER:

The committee on claims, to whom was referred the claim of the Jeffersonville Railroad Company, for transportation of United States troops and munitions of war, have had the same under consideration, and recommend that it be not allowed.

Which report was concurred in.

Mr. Tebbs, from the committee on claims, submitted the following report:

MR. SPEAKER:

Your committee on claims, to whom was referred House Bill No. 215, "An act supplemental to an act entitled an act regulating descents and the apportionment of estates, approved May 14th, 1852," have had the same under consideration, and have directed me to report the same back to the House, the committee being unanimous in recommending its passage.

Which report was accepted.

Mr. Deputy, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House Bill No. 262, have examined the same, and directed me to report the same back to the House with the recommendation that it pass.

Which report was concurred in.

Mr. Britton, from the committee on rights and privileges, submitted the following report :

MR. SPEAKER :

Your committee on rights and privileges, to whom was referred House Bill No. 208, entitled an act to promote the science of medicine and surgery in the State of Indiana, and providing penalties for the violation of its provisions, have had the same under consideration and report the same back with the following amendments :

In section 2, line 7, strike out \$50.00 and insert \$500.00.

At the end of section 2 add the following words : " Or in counties in which there are no health officers, by the coroners of the proper counties, for the benefit of the common school fund."

In section 3, strike out all after and including the word " misdemeanor," in line 8, and in lieu thereof insert the following : " Felonies, and shall, on conviction, be imprisoned in the penitentiary not less than one nor more than five years.

And being so amended, we recommend that the bill pass.

Which report was accepted.

Mr. Britton, from the committee on rights and privileges, submitted the following report :

MR. SPEAKER :

Your committee on rights and privileges, to whom was recommended House Bill No. 121, with instructions to report an amendment providing that the bill shall not apply to cases of fraud, report the same back with the following amendment, to be added to the bill as originally drawn :

*Provided*, That this act shall not apply to any case of garnishment issued in aid of any attachment based upon allegations of fraud supported by affidavit.

And, being so amended, recommend that the bill pass.

Which report was accepted.

Mr. Britton, from the committee on rights and privileges, submitted the following report :

MR. SPEAKER:

Your committee, to whom was referred House Bill No. 141, entitled "An act to provide a homestead exemption of one thousand dollars to householders and heads of families," have had the same under consideration, and have directed me to report the same back to the House, with the recommendation that the same be indefinitely postponed.

Mr. Calkins of Porter moved to recommit House Bill No. 141 to the committee on rights and privileges, with instructions to report the bill with amendments repealing stay laws, and the act giving one year to redeem lands on sales on execution.

Which was agreed to.

#### ORDERS OF THE DAY.

*Engrossed Bills, and Bills from the Senate on their Third Reading.*

Engrossed House Bill No. 4. An act in relation to voluntary assignment in trust for the benefit of creditors, and defining the power of Courts of Common Pleas, in relation thereto, in certain cases.

Which was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Barnaby,	Davidson,	Hendry,
Beeler,	Defrees,	Hill,
Biggs,	Deputy,	Hynes,
Britton,	Donham,	Kennedy,
Browning,	Furnas,	King,
Bruner,	Gallentine,	Kirkpatrick,
Caldwell,	Gentry,	Knight,
Calkins of Fulton,	Goble,	Lines,
Calkins of Porter,	Gordon of Boone,	Major,
Coggsell,	Guthrie,	Martin of Wayne,
Copner,	Hardin,	McDonald,
Cox,	Haynes,	McFarland,
Cunningham,	Heilman,	Minick,
Curtis,	Henderson,	Millikan,

Mitchell,	Sabin,	Taylor,
Myers,	Sansberry,	Tebbs,
Netherton,	Shutt,	Warrum,
Oatley,	Snodgrass,	White,
Ray,	Stephens,	Wood,
Rawles,	St. John,	Wymer,
Rhodes,	Stone,	Zenor,
Rice,	Strickland,	Mr. Speaker—68.
Ruddell,		

*Those who voted in the negative were, Messrs.*

Devol,	Miles,	Tarlton,
Friedley,	Montgomery,	Taughinbaugh,
Gordon of Cass,	Neff,	Washburn,
Hartley,	Stephenson,	Williams—12.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Clerk inform the Senate of the passage of the bill.

Engrossed House Bill No. 105. An act entitled an act allowing persons to make certain improvements on the public highways, and providing the manner of payment therefor, and declaring an emergency.

Which was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Ballenger,	Calkins of Fulton,	Cunningham,
Beeler,	Calkins of Porter,	Curtis,
Biggs,	Cauthorn,	Deputy,
Britton,	Coggsell,	Devol,
Bruner,	Copner,	Donham,
Caldwell,	Cox,	Friedley,

Furnas,	Martin of Wayne,	Shutt,
Gentry,	Martin of Putnam,	Snodgrass,
Goble,	McFarland,	Stephens,
Gordon of Cass,	Minick,	Stephenson,
Guthrie,	Miles,	St. John,
Hardin,	Millikan,	Stone,
Haynes,	Mitchell,	Strickland,
Heilman,	Montgomery,	Tarlton,
Henderson,	Myers,	Taughinbaugh,
Hendry,	Neff,	Taylor,
Hill,	Netherton,	White,
Hynes,	Ray,	Williams,
Kennedy,	Rawles,	Wilson,
King,	Ruddell,	Wood,
Kirkpatrick,	Sabin,	Wymer,
Knight,	Sayers,	Mr. Speaker—68.
Lines,	Simpson,	

*Those who voted in the negative were, Messrs.*

Barnaby,	Hartley,	Sansberry,
Browning,	Major,	Tebbs,
Defrees,	Rhodes,	Washburn,
Gordon of Boone,	Rice,	Zenor—12.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Clerk inform the Senate of the passage of the bill.

Engrossed House Bill No. 151. An act to encourage the destruction of foxes.

Which was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Ballenger,	Barnaby,	Beeler,
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Biggs,	Heilman,	Rawles,
Britton,	Henderson,	Rhodes,
Browning,	Hendry,	Rice,
Bruner,	Hill,	Ruddell,
Caldwell,	Hooker,	Sabin,
Calkins of Porter,	Kennedy,	Sayers,
Cauthorn,	King,	Simpson,
Coggsell,	Kirkpatrick,	Shutt,
Copner,	Knight,	Stephens,
Cox,	Lines,	Stephenson,
Curtis,	Major,	St. John,
Defrees,	Martin of Wayne,	Stone,
Deputy,	Martin of Putnam,	Strickland,
Devol,	McDonald,	Tarlton,
Donham,	McFarland,	Taughinbaugh,
Friedley,	Minick,	Taylor,
Furnas,	Miles,	Washburn,
Gentry,	Millikan,	Warrum,
Goble,	Mitchell,	White,
Gordon of Boone,	Montgomery,	Williams,
Gordon of Cass,	Myers,	Wilson,
Guthrie,	Neff,	Wood,
Hardin,	Netherton,	Wymer,
Hartley,	Oatley,	Zenor,
Haynes,	Ray,	Mr. Speaker—78.

*Those who voted in the negative were, Messrs.*

Cunningham,	Snodgrass,	Tebbs—4.
Hynes,		

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Clerk inform the Senate of the passage of the bill.

Mr. Neff moved to reconsider the vote taken yesterday on House Bill No. 68.

A message from the Senate, by the Secretary thereof:

MR. SPEAKER:

I am authorized to inform the House that the Senate has passed the following engrossed House Bill, to-wit:

House Bill No. 2. Entitled an act to amend sections four and six of an act prescribing the powers and duties of coroners, approved May 27, 1852.

Also, engrossed House Bill No. 11. Entitled an act to fix the beginning of the terms of the Courts of Common Pleas, in Dearborn county, in the Fifth Judicial District.

Also, engrossed House Bill No. 268. Entitled an act to provide for changes of venue from Criminal Courts, and legalizing changes of venue heretofore made.

Which are herewith returned to the House.

I am further authorized to inform the House that the Senate has passed engrossed bills thereof as follows:

Senate Bill No. 11. Entitled an act to amend the 9th section of an act entitled an act to enable the owners of wet lands to drain and reclaim them when the same can not be done without affecting the rights of others.

Also, engrossed Senate Bill No. 2. Entitled an act to prevent hunting or shooting within enclosures without the consent of the owners thereof, and fixing a penalty therefor, and to prevent trespassing upon enclosed lands.

Also, engrossed Senate Bill No. 69. Entitled an act authorizing plank, macadamized and gravel road companies to enter upon lands, to construct drains and appropriate material, by giving notice and having value of materials appraised.

In which action of the Senate, the House is requested to concur.

A message from the Governor, by John M. Commons, his Private Secretary.

EXECUTIVE DEPARTMENT,  
INDIANAPOLIS, February 7, 1871.

MR. PRESIDENT:

By direction of the Governor I have the honor to transmit here-

with a communication correcting certain errors made in the tabular statement accompanying the Message delivered at the opening of the present session of the General Assembly, in relation to the reduction in the value of the taxable property of the State.

JOHN M. COMMONS,  
Private Secretary.

*Gentlemen of the Senate and House of Representatives:*

I desire by this communication to correct an error committed in the message delivered at the commencement of the present session, in relation to the reduction in the value of the taxable property of the State by a failure on the part of county auditors to comply with the directions of the State Board of Equalization, in making out the duplicate for 1869, I then stated the reduction to be over 15,000,000 of dollars, and the tabular statement to which I referred, having been published by the Indianapolis Journal, I soon after received a letter from Ralph Applewhite, Esq., auditor of Jackson county, calling my attention to the fact that there was a mistake in the table by which injustice was done to himself and to his county, by representing a reduction in the value of the real estate thereof of \$251,612, when the real reduction was only \$27,392, and that this small reduction was in point of fact the result of a correction of errors in the footings, etc.

I reviewed the matter and found that the auditor of Jackson county was correct, and that my tabular statement was erroneous, the error occurring from overlooking a foot note in small print, in one of the tables in the Auditor's report for 1869. I have consequently thoroughly revised and reconstructed the table, and find that the reduction of the value of the taxables of the State on the duplicates of 1869, below what they would have been, had the directions of the State Board been carried out, is \$11,494,358, instead of over 15,000,000 of dollars as I before stated. I herewith respectfully transmit a copy of the revised and corrected tabular statement, so that no injustice may be done to any officer or county by the former one, and so that members or committees of the General Assembly may not be misled by the erroneous statement before made, and to that end I respectfully ask that this communication and the tabular statement herewith transmitted may be referred to the joint committee having the subject in charge.



*TABULAR STATEMENT accompanying the foregoing Message.*

COUNTIES.	Value of Real Estate as per State Board of Equalization.	Value of Real Estate as per Duplicate of 1869.	Increase.	Decrease.
Adams.....	\$1,844,034	\$1,857,705	\$13,671	
Allen.....	9,590,155	9,570,600		\$19,555
Bartholomew.....	6,377,025	6,610,865	233,840	
Benton.....	2,530,305	2,537,546	7,241	
Blackford.....	941,125	939,725		1,400
Boone.....	5,739,710	5,521,860		217,850
Brown.....	923,070	888,703		34,367
Carroll.....	5,051,911	4,935,050		116,861
Cass.....	6,389,470	6,629,245	239,775	
Clarke.....	7,167,369	7,207,880	40,511	
Clay.....	3,492,432	3,552,544	60,112	
Clinton.....	5,051,025	4,899,445		151,580
Crawford.....	1,058,587	1,048,130		10,457
Daviess.....	3,869,068	3,760,147		108,921
Dearborn.....	5,536,512	5,493,010		43,512
Decatur.....	6,404,577	6,744,535	339,958	
Dekalb.....	2,818,903	2,809,561		9,443
Delaware.....	5,530,233	5,523,340		6,893
Dubois.....	2,168,118	2,114,470		53,648
Elkhart.....	7,342,714	7,323,843		18,871
Fayette.....	5,089,322	5,038,910	12,588	
Floyd.....	5,302,476	5,251,295		51,181
Fountain.....	4,977,418	4,917,620		59,798
Franklin.....	5,533,825	5,562,530	28,705	
Fulton.....	2,351,226	2,362,935	11,709	
Gibson.....	6,199,034	6,199,918	884	
Grant.....	4,131,320	4,229,825	98,505	
Greene.....	4,053,911	4,015,101	11,190	
Hamilton.....	5,580,524	5,571,615		8,909
Hancock.....	4,434,015	4,623,550	188,635	
Harrison.....	3,208,698	3,289,595		9,103
Hendricks.....	8,119,893	8,478,402	358,506	
Henry.....	7,002,633	6,974,690		27,943
Howard.....	3,459,493	3,649,970	190,477	
Huntington.....	3,262,279	3,328,745	66,466	
Jackson.....	5,961,232	5,933,850		27,382
Jasper.....	1,601,311	1,617,751	16,440	
Jay.....	2,402,930	2,401,885		1,045
Jefferson.....	5,855,718	5,740,248		109,470
Jennings.....	3,041,050	3,024,160		16,890
Johnson.....	6,674,221	6,514,135		160,086
Knox.....	5,268,643	5,281,680	16,037	
Kosciusko.....	5,075,430	5,188,975	113,545	
Lagrange.....	3,319,693	3,312,858		6,735
Lake.....	2,271,122	2,256,120		15,002
Laporte.....	7,234,283	7,235,150	869	
Lawrence.....	5,212,883	5,359,988	147,105	
Madison.....	5,687,838	6,105,545	417,707	
Marion.....	34,747,862	29,036,239		5,711,623
Marshall.....	3,890,109	3,911,600	21,551	
Martin.....	1,361,636	1,371,296	9,660	
Miami.....	4,605,467	3,645,320		1,049,147
Monroe.....	4,088,234	4,127,374	39,140	
Montgomery.....	8,943,733	8,871,510		72,223
Morgan.....	6,195,198	5,948,975		246,223
Newton.....	1,425,759	1,475,249	49,490	
Noble.....	3,728,885	3,648,175		80,710
Ohio.....	1,275,891	1,245,210		30,680
Orange.....	3,262,519	3,124,000		138,519
Owen.....	3,836,034	3,860,880	24,846	
Parke.....	6,752,710	6,796,635	43,925	
Perry.....	2,190,525	2,107,155		83,370
Pike.....	2,854,315	2,249,166		605,149
Porter.....	3,639,980	3,624,695		15,285
Posey.....	5,486,344	5,438,225		48,119
Pulaski.....	1,454,075	1,483,715	29,640	
Putnam.....	9,368,463	9,349,940		18,523
Randolph.....	5,907,543	5,848,406		59,143
Ripley.....	2,825,573	2,703,850		148,723
Rush.....	8,782,579	8,674,925		107,654
Scott.....	1,203,252	1,172,131		31,121
Shelby.....	8,096,855	8,064,420		42,435

*TABULAR STATEMENT accompanying the foregoing Message.*  
Continued.

COUNTIES.	Value of Real Estate as per State Board of Equalization.	Value of Real Estate as per Duplicate of 1869.	Increase.	Decrease.
Spencer.....	3,402,162	3,358,875	.....	43,287
Starke.....	823,722	817,669	.....	6,053
St. Joseph.....	6,658,938	6,696,300	37,362	.....
Steenben.....	2,249,225	2,263,140	13,914	.....
Sullivan.....	4,013,466	4,069,185	55,724	.....
Switzerland.....	2,646,107	2,630,120	.....	15,987
Tippecanoe.....	12,609,090	12,619,590	10,500	.....
Tipton.....	2,374,139	1,804,520	.....	569,619
Union.....	3,310,936	3,027,060	.....	283,876
Vanderburg.....	11,691,155	8,879,465	.....	2,811,690
Vermillion.....	3,121,415	3,162,756	41,341	.....
Vigo.....	10,539,836	10,791,100	251,264	.....
Wabash.....	6,320,163	6,307,350	.....	12,813
Warren.....	4,384,996	4,378,860	.....	6,136
Warrick.....	3,399,859	3,371,856	.....	28,003
Washington.....	4,999,063	5,083,645	84,582	.....
Wayne.....	12,810,628	12,117,320	.....	693,308
Wells.....	2,044,841	2,046,135	1,294	.....
White.....	3,329,381	3,163,305	.....	166,076
Whitley.....	2,972,015	2,851,187	.....	120,828

RECAPITULATION.

Increase on Tax Duplicate.....	\$3,028,767
Decrease on Tax Duplicate.....	14,523,125
Net Decrease.....	\$11,494,358

EXECUTIVE DEPARTMENT,  
INDIANAPOLIS, February 7, 1871.

MR. PRESIDENT:

I am directed by the Governor to respectfully transmit to the Senate a communication and accompanying papers, pertaining to the report required to be made by the Chaplains of the State prisons in regard to the purchase of books for libraries therefor.

JOHN M. COMMONS,  
Private Secretary.

*Gentlemen of the Senate and House of Representatives :*

At the last session of the General Assembly, a concurrent resolution was passed requiring the Chaplains of the Northern and Southern Prisons to furnish to this General Assembly a report, verified by oath, of the number and character of volumes purchased for the library of each of said prisons. These reports having been furnished to me, for transmission to the General Assembly, by said

Chaplain respectively, are now herewith transmitted--the original reports being sent to the House, and copies thereof to the Senate.

CONRAD BAKER.

*Northern Prison—Copy of Chaplain's Report on Library.*

CONRAD BAKER, *Governor of Indiana*:

I respectfully submit to your Excellency the following report, to be by you presented to the Senate and House of Representatives, in compliance with the joint resolution of the General Assembly, a copy of which resolution is herewith filed and made a part of this report. In drawing the funds from the treasury, I was governed by instructions received from the Secretary of State, a copy of whose letter is herewith filed and made a part of this report. I have purchased at sundry times, as per bills forwarded to the Auditor of State, the following books for the benefit of the convicts of the Northern Indiana Prison:

CHARACTER OF BOOKS.	No. of Volumes.
English Bibles.....	200
German Bibles.....	20
English Testaments.....	50
Geographies.....	200
Arithmetics.....	200
Webster's Primary Dictionaries.....	60
Hymn Books.....	220
Monthly Magazines (Harper and Atlantic).....	200
Narratives and Travels.....	20
Scientific Works.....	40
English Poems and Essays (standard).....	27
Washington Irving's Works (complete).....	27
Volumes of German Library (assorted).....	25
Miscellaneous Selected Books.....	100
Froud's History of England.....	10
Abbott's Histories.....	22
Wilson's Histories of United States.....	12
Miscellaneous Histories.....	24
American Literature.....	40
Dickens' Works (complete).....	14
School Readers.....	60
School Spellers.....	60
Barnes' Notes on New Testament.....	22
Longking's Notes on New Testament.....	8
Temperance Tracts (bound).....	12
Moral Essays of American Tract Society (bound).....	16
Bible Dictionaries.....	4
Sunday School Teachers.....	6
Webster, Unabridged.....	1
Large Hemisphere Map.....	1
Large United States Map.....	1
Large Map of Bible Lands.....	1
Brass Planetarian.....	1

STATE OF INDIANA, }  
Laporte County. } ss:

Personally appeared before me, William C. Smith, a Notary Pub-

lie in and for said county, Aaron Wood, who certifies the foregoing to be a true statement according to his best knowledge and belief.

AARON WOOD.

In witness whereof I have set my hand and official seal this 31st day of December, 1870.

[L. S.]

WILLIAM C. SMITH,  
Notary Public.

Copy of letter of Secretary of State accompanying foregoing report :

STATE OF INDIANA,  
OFFICE OF SECRETARY OF STATE.  
INDIANAPOLIS, June 9th, 1869.

AARON WOOD, Esq.,  
*Michigan City, Ind.:*

*Dear Sir:*—Your letter of June 7th has been received, enclosed please find a copy of the law in question, you will perceive that the law is so plain as to need no explanation. The \$1,000 can be drawn at any time, though would it be better to first make the purchase, then present the bill to the Auditor of State, get his warrant and then receive the money from the treasurer.

Very Respectfully,

M. F. A. HOFFMAN,  
Secretary of State.

*Resolved,* By the House of Representatives, the Senate concurring, that the Chaplains of the Southern and Northern prisons, be required to furnish to the next General Assembly, a report verified by oath, of the number and character of volumes purchased for the library of each of said prisons.

I hereby certify that the within is a true copy of a resolution which passed the House April 23d, 1869, and passed the Senate May 10th, 1869.

WM. M. MERWIN,  
Principal Clerk, House.

*Southern Prison—Copy of Chaplain's Report on Library.*

INDIANA STATE PRISON SOUTH,  
JEFFERSONVILLE, Dec. 15, 1870.

*To the General Assembly of the State of Indiana,*

*To meet January 5, 1871:*

In pursuance of a resolution passed by the House of Representatives April 23d, 1869, in which the Senate concurred May 10th, 1869, requiring the Chaplains of the Southern and Northern prisons to report to you at your present session, verified by oath, of the number and character of volumes purchased for the library of each of said prisons, I herewith submit to your Honorably body my report as Chaplain of the Southern Indiana State Prison:

*Report of Library—Southern Indiana Prison.*

CHARACTER OF VOLUMES.	No.	PRICE.	REMARKS.
Daniel De Foe's Works.....	7	\$9 17	
French History.....	9	24 22	
English History.....	16	39 75	
American History.....	24	53 72	
Dutch Republic.....	7	22 60	
Dickens' Works.....	53	53 00	
Holland (Titcomb).....	9	11 63	
Irving's Works.....	28	48 00	
Poe's Works.....	4	7 20	
Roe's Works.....	8	9 80	
Charles Reade.....	3	4 00	
T. S. Arthur.....	2	2 40	
Foster.....	8	10 50	
Goldsmith's Animated Nature.....	1	3 50	
Josephus.....	2	4 25	
Mildman and Gibbons' Rome.....	8	17 20	
Blackstone.....	2	8 50	
History of China.....	2	2 40	
Harpers' Publications.....	26	29 80	Bought of Scribner & Co.
Carey's Social Science.....	3	8 00	New York.
Paulding's Works.....	4	9 40	749 Volumes, \$946.92.
Life of Jefferson.....	3	8 00	Bought of Nunemacher.
German Books.....	61	104 99	New Albany.
Miscellaneous.....	412	487 73	41 Volumes, \$26.34.
	790	\$973 26	
Packing Boxes, Freight and Drayage.....		26 74	Freight, etc., \$26.74.
Total Expenses.....		\$1000 00	\$1,000.00.

In addition to the above, a donation of fifty dollars' worth of books from Scribner & Co., of New York.

JOHN W. SULLIVAN,  
*Chaplain of the Southern Indiana Prison.*

STATE OF INDIANA, }  
 County of Clarke. } ss:

I, John W. Sullivan, Chaplain of the Southern Indiana Penitentiary, at Jeffersonville, in said county, solemnly swear that the matters and statements set forth in the within inventory, are true in every respect, so help me God.

JOHN W. SULLIVAN.

Subscribed and sworn to before me this 15th day of December, 1870.

[L. S.]

S. S. JOHNSON,  
 N. P. C. C. Ind.

EXECUTIVE DEPARTMENT,  
 INDIANAPOLIS, February 7, 1871.

MR. SPEAKER:

I am directed by the Governor to respectfully inform the House that enrolled act No. 38, entitled "An act to legalize the official acts of the board of trustees of the town of Gosport, Owen county, and all other officers of said corporation, under an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved June 11th, 1852, and the by-laws, rules, regulations and proceedings adopted in pursuance thereof," presented to him on the 2d instant, not having been returned by him to the House within three days from the date of such presentation to him, Sundays excepted, the said act has therefore become a law without executive approval, and that the said act has been deposited in the office of the Secretary of State.

JOHN M. COMMONS,  
 Private Secretary.

The question being on the motion of Mr. Neff to reconsider the vote taken yesterday on House Bill No. 68.

Pending which motion, the House,  
 On motion of Mr. Zenor,  
 Adjourned.

WEDNESDAY, FEBRUARY 8, 1871, 2 O'CLOCK P. M.

The House met.

The question pending at adjournment being the motion of Mr. Neff to reconsider the vote on House Bill No. 68.

Mr. Canthorn moved to lay the motion on the table and demanded the previous question.

The Speaker declared the whole matter out of order, the Journal of yesterday showing that a motion to reconsider, on the same question had already failed.

Mr. Wilson moved to correct the Journal of yesterday so as to strike out so much as shows a motion to reconsider the vote on House Bill No. 68, was put to the House and failed to prevail.

On which the ayes and noes were demanded by Messrs. Mitchell and Martin of Putnam.

*Those who voted in the affirmative were, Messrs.*

Ballenger,	Hooker,	Sabin,
Beeler,	Kennedy,	Sansberry,
Biggs,	King,	Sayers,
Butterworth,	Kirkpatrick,	Simpson,
Caldwell,	Lines,	Snodgrass,
Calkins of Fulton,	Major,	Stephenson,
Calkins of Porter,	McDonald,	St. John,
Conner,	McFarland,	Strickland,
Copner,	McGowan,	Taylor,
Defrees,	Millikan,	Tebbs,
Deputy,	Monroe,	White,
Friedly,	Myers,	Williams,
Furnas,	Netherton,	Wilson,
Gordon of Boone,	Rawles,	Wood,
Heilman,	Rhodes,	Woodward,
Henderson,	Ruddell,	Wymer—49.
Hill,		

*Those who voted in the negative were, Messrs.*

Abbett,	Gordon of Boone,	Montgomery,
Barnaby,	Gordon of Cass,	Neff,
Britton,	Guthrie,	Oatley,
Browning,	Hardin,	Ray,
Bruner,	Hartley,	Rice,
Cauthorn,	Hawley,	Shutt,
Cox,	Haynes,	Stephens,
Coggswell,	Hendry,	Stone,
Cunningham,	Hynes,	Tarlton,
Curtis,	Knight,	Taughinbaugh,
Davidson,	Martin of Wayne,	Walker,
Devol,	Martin of Putnam,	Washburn,
Donham,	Minick,	Warrum,
Gallentine,	Miles,	Zenor,
Gentry,	Mitchell,	Mr. Speaker—44.
Goble,		

So the motion to correct prevailed.

Mr. Wilson moved to reconsider the vote of yesterday on House Bill No. 68.

Which was decided by the Speaker to be out of order.

Mr. Wilson submitted the following appeal:

The Speaker having ruled that after the motion to reconsider and to lay that motion on the table having failed at the last sitting day, that a motion to reconsider the vote on the same question is not now in order, being on the next and succeeding days.

The undersigned herewith appeal from the decision of the chair.

O. M. WILSON,  
J. H. RUDELL.

The question being, shall the decision of the Chair be sustained?

The ayes and noes were demanded by Messrs. Neff and Ballenger.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Barnaby,	Britton,
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Browning,	Gordon of Cass,	Neff,
Bruner,	Guthrie,	Oatley,
Caldwell,	Hardin,	Ray,
Cauthorn,	Hartley,	Rice,
Coggswell,	Hawley,	Simpson,
Copner,	Haynes,	Shutt,
Cox,	Hendry,	Stephens,
Cunningham,	Hynes,	Stone,
Curtis,	Martin of Putnam,	Tarlton,
Davidson,	McDonald,	Taughinbaugh,
Devol,	McGowan,	Tebbs,
Donham,	Minick,	Walker,
Gallentine,	Miles,	Washburn,
Gentry,	Mitchell,	Warrum,
Goble,	Montgomery,	Zenor—48.

*Those who voted in the negative were, Messrs.*

Ballenger,	Kennedy,	Sabin,
Beeler,	King,	Sansberry,
Butterworth,	Kirkpatrick,	Sayers,
Calkins of Fulton,	Knight,	Snodgrass,
Calkins of Porter,	Lines,	Stephenson,
Conner,	Major,	St. John,
Defrees,	Martin of Wayne,	Strickland,
Deputy,	McFarland,	Taylor,
Friedley,	Millikan,	White,
Furnas,	Monroe,	Williams,
Gordon of Boone,	Myers,	Wilson,
Heilman,	Netherton,	Wood,
Henderson,	Rawles,	Woodward,
Hill,	Rhodes,	Wymer—45.
Hooker,	Ruddell,	

So the decision of the Chair was sustained.

A message from the Senate, by the Secretary thereof.

MR. SPEAKER:

I am instructed to inform the House that the President has signed Senate Joint Resolution No. 8, entitled "A joint resolution in rela-

tion to an appropriation by Congress for the completion of the harbor on Lake Michigan at Michigan City," which is herewith transmitted to the House for the signature of the Speaker.

# SPECIAL ORDER FOR THE DAY.

The hour of 3 o'clock P. M. having arrived, being the hour appointed by a resolution adopted by a Joint Convention of both Houses held in the hall of the House on the 11th day of January, 1871; which resolution reads as follows, to wit:

*Resolved*, That when this Convention adjourn, it will adjourn to meet at 3 o'clock P. M., on Wednesday, four weeks from this day, for the purpose of electing an Agent of State, unless said office shall be, before that time, abolished by law, and in that event, it will adjourn to said time, then adjourn *sine die*.

The Senate, preceded by the Lieutenant Governor, came into the hall of the House, and were seated on the right of the Speaker.

Hon. Will Cumback, President of the Senate, took the chair, and called the Joint Convention to order.

The Journal of the Joint Convention of January 11th, 1871, was read, so far as the same had reference to the re-assembling of the same on this day.

The Lieutenant Governor then said, nominations for the office of Agent of State were in order.

Senator Brown put in nomination Mr. Patrick Shannon for that office.

Senator Gray put in nomination Mr. Thomas C. Slaughter for that office.

*Those who voted for Mr. Shannon, on the part of the Senate, were,*  
*Messrs.*

Armstrong,	Bird,	Dittemore,
Bobo,	Carnahan,	Dougherty,
Bradley,	Cave,	Elliott,
Brown,	Denbo,	Francisco,

Fuller,	Johnson,	Morgan,
Glessner,	Keigwin,	Straud,
Gregg,	Lasselle,	Williams—22.
Henderson,		

*Those who voted for Mr. Slaughter, on the part of the Senate, were,  
Messrs.*

Andrews,	Hadley,	Robinson,
Beeson,	Hess,	Scott,
Case,	Hooper,	Steele,
Caven,	Hubbard,	Taylor,
Dwiggins,	Martindale,	Wadge,
Gray,	Miller,	Wood—19.
Green,		

*Those who voted for Mr. Slaughter, on the part of the House, were,  
Messrs.*

Ballenger,	Kennedy,	Sabin,
Beeler,	King,	Sayers,
Biggs,	Kirkpatrick,	Snodgrass,
Butterworth,	Knight,	Stephenson,
Calkins of Fulton,	Lines,	St. John,
Calkins of Porter,	Major,	Stone,
Conner,	Martin of Wayne,	Strickland,
Defrees,	Martin of Putnam,	Taylor,
Deputy,	Millikan,	Washburn,
Friedley,	Monroe,	White,
Furnas,	Myers,	Williams,
Gordon of Boone,	Netherton,	Wilson,
Heilman,	Rawles,	Wood,
Hill,	Rhodes,	Woodward,
Hooker,	Ruddell,	Wymer—45.

*Those who voted for Mr. Shannon, on the part of the House, were,  
Messrs.*

Abbett,	Bruner,	Copner,
Barnaby,	Caldwell,	Cox,
Britton,	Cauthorn,	Cunningham,
Browning,	Coggsell,	Curtis,

Davidson,	Hendry,	Rice,
Devol, .	Hynes,	Sansberry,
Donham,	McDonald,	Simpson,
Gallentine, .	McFarland,	Shutt,
Gentry,	McGowan,	Stephens,
Goble,	Minick,	Tarlton,
Gordon of Cass,	Miles,	Taughinbaugh,
Guthrie,	Millikan,	Tebbs,
Hardin,	Mitchell,	Walker,
Hartley,	Montgomery,	Warrum,
Hawley,	Neff,	Zenor,
Haynes,	Oatley,	Mr. Speaker—48.
Henderson,		

Whole number of votes cast for Mr. Shannon:

On the part of the House.....	48
On the part of the Senate.....	22
Total.....	70

Whole number of votes cast for Mr. Slaughter:

On the part of the House.....	45
On the part of the Senate.....	19
Total .....	64

Whole number of votes cast, one hundred and thirty-four.

Necessary to a choice, sixty-seven.

Mr. Patrick Shannon having received a majority of all the votes cast, the President declared him duly elected for the office of Agent of State for the term of two years.

The business for which the Joint Convention assembled having been completed, the President declared it adjourned *sine die*.

Mr. Ruddell moved that the House now take up the special order set for three o'clock.

Which was agreed to.

The special order being the further consideration of the reports

from the committee on House Bill No. 204, "An act to provide for the investment of the Sinking Fund now under the control of the Auditor of State, and for the distribution of the income thereof for common school purposes;" and House Bill No. 266, offered by the committee as a substitute, entitled "An act to amend the sixth section of an act to provide for the custody and management of the notes, bonds and mortgages arising directly out of loans heretofore made by the Board of Sinking Fund Commissioners," etc.

Mr. Calkins of Porter moved that 150 copies of both bills be printed for the use of the House.

Which was not agreed to.

The question being on the adoption of the minority report introducing House Bill No. 266 as a substitute.

The ayes and noes were demanded by Messrs. Ruddell and Neff.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Furnas,	McDonald,
Ballenger,	Gallentine,	McFarland,
Biggs,	Goble,	McGowan,
Britton,	Guthrie,	Minick,
Browning,	Hardin,	Miles,
Bruner,	Hartley,	Millikan,
Butterworth,	Hawley,	Monroe,
Caldwell,	Haynes,	Montgomery,
Calkins of Fulton,	Heilman,	Myers,
Calkins of Porter,	Henderson,	Neff,
Cauthorn,	Hendry,	Netherton,
Coggsell,	Hill,	Oatley,
Cox,	Hynes,	Ray,
Curtis,	Kennedy,	Rawles,
Davidson,	Kirkpatrick,	Rhodes,
Defrees,	Knight,	Rice,
Deputy,	Lines,	Sabin,
Devol,	Major,	Sayers,
Donham,	Martin of Wayne,	Simpson,
Friedley,	Martin of Putnam,	Shutt,

Snodgrass,	Taughinbaugh,	White,
Stephens,	Tebbs,	Wood,
St. John,	Walker,	Woodward,
Strickland,	Washburn,	Zenor,
Tarlton,	Warrum,	Mr. Speaker—78.

*Those who voted in the negative were, Messrs.*

Beeler,	Gordon of Cass,	Stephenson,
Conner,	Hooker,	Stone,
Copner,	King,	Taylor,
Cunningham,	Ruddell,	Wilson,
Gentry,	Sansberry,	Wymer—16.
Gordon of Boone,		

So the substitute was agreed to.

House Bill No. 266. An act to amend the sixth section of an act to provide for the custody and management of the notes, bonds, and mortgages arising directly out of loans heretofore made by the Board of Sinking Fund Commissioners, etc.

Which was read a second time.

Mr. Ruddell offered the following amendment:

Amend by providing that the amount of interest arising from the loan made under this act shall be disbursed by the county auditor and treasurer without diminution.

Which was adopted.

Mr. Hardin offered the following amendment:

Strike out eight per cent. and insert seven per cent. in lieu thereof.

On which, the ayes and noes were demanded by Messrs. Hardin and Cox.

*Those who voted in the affirmative were, Messrs.*

Copner,	Hardin,	Williams,
Cox,	Haynes,	Wilson,
Deputy,	Stephens,	Wymer—9.

*Those who voted in the negative were, Messrs.*

Abbett,	Hartley,	Netherton,
Ballenger,	Hawley,	Oatley,
Barnaby,	Heilman,	Ray,
Beeler,	Henderson,	Rawles,
Biggs,	Hendry,	Rhodes,
Britton,	Hill,	Rice,
Browning,	Hooker,	Ruddell,
Bruner,	Hynes,	Sabin,
Butterworth,	Kennedy,	Sansberry,
Caldwell,	King,	Sayers,
Calkins of Fulton,	Kirkpatrick,	Shutt,
Calkins of Porter,	Knight,	Snodgrass,
Cauthorn,	Lines,	Stephenson,
Cogswell,	Major,	St. John,
Conner,	Martin of Wayne,	Stone,
Cunningham,	Martin of Putnam,	Strickland,
Curtis,	McDonald,	Tarlton,
Davidson,	McFarland,	Taughinbaugh,
Defrees,	McGowan,	Taylor,
Devol,	Minick,	Walker,
Donham,	Miles,	Washburn,
Friedley,	Millikan,	Warrum,
Furnas,	Mitchell,	White,
Gallentine,	Monroe,	Wood,
Gentry,	Montgomery,	Woodward,
Goble,	Myers,	Zenor,
Gordon of Boone,	Neff,	Mr. Speaker—82.
Gordon of Cass,		

So the amendment did not prevail.

Mr. Defrees offered the following amendment:

Strike out "children in each county listed for the purpose of common school education," and insert "inhabitants in such county according to the late census."

Which was agreed to.

Mr. Ballenger moved that the bill be considered as engrossed and

passed to its third reading, and upon that, moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on engrossment and third reading.

Which was agreed to.

When,

On motion of Mr. Hardin,

The House adjourned.



## THURSDAY MORNING.

FEBRUARY 9, 1871, 9 O'CLOCK.

The House met.

Prayer by the Rev. Mr. Ingle.

The Journal of yesterday was then read in part, when,

On motion of Mr. Rhodes,

The further reading thereof was dispensed with.

Mr. Strickland called up his motion to reconsider the vote taken on House Bill No. 62, and that the same be recommitted to the committee on rights and privileges, with the following instructions, to wit:

Recommit, with instructions that that part of the bill which relates to game and birds be stricken out, and that that part which relates to fish be returned at an early day, striking out that part which relates to St. Joseph river, and prefix a proper title.

Which motion was agreed to, and the bill was so reconsidered and recommitted.

Mr. Ruddell, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House Bill No. 254, being an act to amend Sec. 17 of an act entitled "An act containing several provisions regarding landlords and tenants, lessors and lessees, approved May 20, 1852," have had the same under consideration, and report the same back with the recommendation that it lie on the table.

Which was concurred in.

Mr. Ruddell, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House Bill No. 256, being an act amending sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13 and 14 of "An act concerning inclosures, trespassing animals and partition inclosures, approved June 4, 1852," have had the same under consideration, and herewith report the same back, recommending the following amendment, to wit:

Amend section 10 by inserting after the word "same," in the 10th line of said section, the following: "and give such replevin bail as shall be approved by the court before whom such confession of judgment shall be made."

And when so amended recommend the passage of the bill.

Which report was accepted.

Mr. Haynes, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges have had under consideration House Bill No. 149, and instruct me to report the same back to the House, and recommend its passage.

Which report was accepted.

Mr. Haynes, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House Bill No. 261, have had the same under consideration, and herewith report the same back with the recommendation that it pass.

Which was accepted.

Mr. Washburn, from the committee on railroads, submitted the following report:

MR. SPEAKER:

The committee on railroads, to whom was referred the petition of Ira S. Taylor and others, to repeal railroad tax, have had the same

under consideration, and direct me to report the same back to the House, with the recommendation that it be referred to a select committee on the subject matter.

Which was referred to the special joint committee on the equalization of railroad taxation.

Mr. Browning, from the committee on railroads, submitted the following report :

MR. SPEAKER :

Your committee, to whom was referred the memorial of Myren J. Pratt and others, in reference to taxing railroads and repealing the law granting aid to railroads, have had the same under consideration, and herewith report the same back, with the recommendation that the same be referred to the select committee on the subject.

Which report, with the memorial, was referred to the special joint committee on equalization of railroad taxation.

Mr. McDonald, from the committee on railroads, submitted the following report :

MR. SPEAKER :

The committee on railroads, to whom was referred House Bill No. 182, entitled "An act to enable citizens to aid in the construction of railroads," have had the same under consideration, and respectfully report the same back, with the recommendation that it lie on the table. The law on the subject is deemed sufficient.

The question being on concurring in the report of the committee.

Mr. Cox moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The ayes and noes were demanded by Messrs. Ruddell and Zenor.

The question being, shall the report of the committee be concurred in?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Guthrie,	Ray,
Britton,	Hardin,	Rawles,
Browning,	Hartley,	Rice,
Bruner,	Hawley,	Simpson,
Butterworth,	Henderson,	Shutt,
Caldwell,	Hendry,	Snodgrass,
Calkins of Porter,	Hynes,	Stephens,
Cauthorn,	Major,	St. John,
Copner,	Martin of Wayne,	Tarlton,
Cunningham,	Martin of Putnam,	Taughinbaugh,
Curtis,	McDowell,	Tebbs,
Davidson,	McGowan,	Walker,
Donham,	Mitchell,	Washburn,
Furnas,	Montgomery,	Warrum,
Gallentine,	Neff,	Zenor—47.
Goble,	Oatley,	

*Those who voted in the negative were, Messrs.*

Ballenger,	Hooker,	Ruddell,
Beeler,	Kennedy,	Sabin,
Biggs,	King,	Sayers,
Calkins of Fulton,	Kirkpatrick,	Stephenson,
Conner,	Knight,	Stone,
Cox,	Lines,	Strickland,
Defrees,	McDowell,	Taylor,
Deputy,	McFarland,	White,
Devol,	Minick,	Williams,
Friedley,	Millikan,	Wilson,
Gordon of Boone,	Monroe,	Wood,
Gordon of Cass,	Myers,	Woodward,
Haynes,	Netherton,	Wymer,
Heilman,	Rhodes,	Mr. Speaker—43.
Hill,		

So the report was concurred in.

Mr. King, from the committee on railroads, submitted the following report:

MR. SPEAKER:

The committee on railroads, to whom was referred House Bill No. 244, entitled "An act to establish a reasonable maximum rate of charges for the transportation of passengers on the different railroads of this State, and prescribing penalties for violation thereof," have had the same under consideration, and respectfully report the same back, with the recommendation that it be indefinitely postponed, as a bill already reported gives the relief asked for.

Which report was concurred in.

Mr. Minick, from the committee on railroads, submitted the following report:

MR. SPEAKER:

The committee on railroads, to whom was referred House Resolution No. 14, have had the same under consideration, and respectfully report the same back, with the recommendation that it be referred to select committee on the subject matter.

Which was so referred to the special joint committee on the subject of equalization of taxation on railroads.

Mr. Browning, from the committee on railroads, submitted the following report:

MR. SPEAKER:

The committee on railroads, to whom was referred House Bill No. 73, entitled an act to limit the rate per mile for passenger fare upon any railroad running in part or in whole within this State, and providing penalties for the violation of the provisions of this act, have had the same under consideration, and beg leave to report the same back, with the recommendation that it be indefinitely postponed, as a bill already reported affords the relief asked for.

Which report was concurred in.

Mr. Zenor, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House Bill No. 210, "An act to provide for the selection of depositories for the safe keeping of public moneys, declaring certain acts misdemeanors, and prescribing punishment therefor," have had the same under consideration, and have directed me to report the same back to the House, and recommend the passage of the same.

Which report was accepted.

Mr. Bruner, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House Bill No. 180, an act to amend "An act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," have had the same under consideration, and report the same back, and recommend the following bill as a substitute therefor, and recommend that it pass.

Which was accepted.

House Bill No. 269. An act to amend section thirty of an act entitled "An act to amend an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto, approved March 5, 1859," approved December 20, 1865.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section thirty of said act, which reads as follows, to wit: "Sec. 30. Each supervisor shall, on the last Saturday in March in each year, make a full and succinct report, under oath, of his proceedings, showing the names of all persons liable to, or who have performed labor on the roads in his district, the amount of money received from any and other sources whatever, and how the same has been expended, and the balance on hand, and shall pay such balance to, and file such report with the trustee of his township on that day," be and the same is amended to read as follows: "Sec. 30. Each supervisor shall, on the first Saturday in October in each

year, make a full and succinct report, under oath, of his proceedings, showing the names of all persons liable to, or who have performed labor on the roads in his district, the amount of commutation money received, who received from, and the amount of money received from any and all other sources whatever, and how the same has been expended, and the balance on hand, and shall pay such balance to, and file such report with the trustee of his township on that day."

Which was read a first time, and,

On motion,

Referred to the committee on county and township business.

Mr. Donham, from the committee on agriculture, submitted the following report:

MR. SPEAKER:

The committee on agriculture, to whom was referred House Bill No. 259, entitled an act to prevent placing obstructions in running water, making provisions for the removal of such obstructions, defining the duties of supervisors and county commissioners in relation thereto, and prescribing penalties for the violation of the provisions of this act, have had the same under consideration, and would recommend its passage.

Which report was accepted.

Mr. Shutt, from the committee on agriculture, submitted the following report:

MR. SPEAKER:

The committee on agriculture, to whom was referred House Bill No. 216, entitled an act to protect fur-bearing animals, have had the same under consideration, and would respectfully recommend that the bill be indefinitely postponed.

Which report was concurred in.

Mr. Furnas, from the committee on agriculture, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House Bill No. 162, have

had the same under consideration, and, after the amendments herein proposed, recommend its passage :

Amend section 2 in reference to the appointment of State Geologist by the Governor, so as to read as follows: That the Indiana State Board of Agriculture shall elect, and the Governor appoint, etc.

Which was accepted.

Mr. Furnas, from the committee on agriculture, submitted the following report :

MR. SPEAKER :

The committee on agriculture, to whom was referred House Bill No. 94, being a bill creating the office of State Entomologist, and making provisions therefor, and respectfully propose the following amendment :

Amend section 2 so as to read, That the State Board of Agriculture is hereby authorized to elect, and the Governor commission, etc. And, when so amended, recommend its passage.

Which report was accepted.

Mr. Beeler, from the committee on agriculture, submitted the following report :

MR. SPEAKER :

The committee on agriculture, to whom was referred House Bill No. 246, entitled an act to amend " An act to encourage the destruction of wolves," have had the same under consideration, and would respectfully recommend that the same be indefinitely postponed.

Which report was concurred in.

Mr. Beeler, from the committee on agriculture, submitted the following report :

MR. SPEAKER :

Your committee, to whom was referred the resolution of Mr. Netherton, asking for a list of agricultural products to which there is, by law, no standard weight affixed, have had the same under con-



sideration, and beg leave to submit to the House the following list of articles having no standard weight :

Green apples, green peaches, green pears, sweet potatoes, cranberries, huckleberries, and all other berries now in our markets as products of this State.

Which was concurred in.

Mr. Beeler, from the committee on agriculture, submitted the following report :

MR. SPEAKER :

The committee on agriculture, to whom was referred House Resolution No. 7, have had the same under consideration, and respectfully report the same back to the House with the recommendation that it lie on the table, the object of the resolution being provided for by bill.

Which report was concurred in.

Mr. Minick, from the committee on benevolent and scientific institutions, submitted the following report :

MR. SPEAKER :

Your committee on benevolent and scientific institutions, to whom was referred the affidavit and charges preferred by H. F. Leavitt, against the officers of the Hospital for the Insane, with instructions to examine into the same, have attended to that duty, and submit the following report, viz.:

That the said officers were present at the time of the investigation, and admitted that the charges, as alleged by the said H. F. Leavitt, are true, and that there is due to H. F. Leavit, or to the county of Steuben, the sum of twenty dollars, which they are ready to admit.

When your committee called on them to explain the matter, they said that the said H. F. Leavitt escaped from the hospital in a few weeks after he was placed there, and they had no opportunity to settle with him, and that afterward the matter was overlooked.

Which report was accepted.

Mr. Minick, from the committee on benevolent and scientific institutions, submitted the following report :

MR. SPEAKER:

The committee on benevolent and scientific institutions, to whom was referred the memorial of Mr. Israel Taylor, beg leave to report the same back, and recommend that it lie on the table.

Which report was accepted.

Mr. Defrees, from the committee on benevolent and scientific institutions, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred the petition of Henry E. Smith and James Garity, have had the same under consideration, and find from competent testimony, that there is no foundation for the charges therein preferred, and recommend that the petition lie on the table.

Which was concurred in.

Mr. Ballenger, from the committee on corporations, submitted the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred House Bill No. 174, entitled "An act declaring property belonging to municipal corporations, fire companies, etc., exempt from execution," have had the same under consideration, and have instructed me to report back the same, and recommend that it be indefinitely postponed.

Which report was concurred in.

Mr. Neff, from the committee on corporations, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House Bill No. 202, "An act to amend the charter of the town of Bluffton," have had the same under consideration, and report the same back, with the recommendation that it pass.

Which was accepted.

Mr. Browning, from the committee on corporations submitted the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred House Bill No. 186, introduced by Mr. Major, entitled "An act to enable incorporated towns to lay out, open, grade and improve streets, alleys," etc., have had the same under consideration, and have directed me to report the following bill back to the House as a substitute therefor, and recommend its passage.

Which report was accepted.

House Bill No. 270. An act to amend the first section of an act to enable incorporated towns to lay out, open, grade and improve streets and alleys, and make public improvements therein, and to make surveys and adopt plats, when the same have been lost or destroyed, and prescribing the duties of the board of trustees, and providing for the mode of working and improving streets and alleys; and declaring an emergency, approved April 27, 1869.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, that the first section of the above entitled act be so amended as to read as follows, to wit:

SECTION 1. That the board of trustees of incorporated towns of the state shall have exclusive power over the streets, alleys, highways and bridges within the corporate limits of such towns, and may prescribe the height and manner of construction of all such bridges, and lay out, survey, and open new streets and alleys, and straighten, narrow, widen, grade and gravel, and otherwise alter and improve those already laid out, or that may hereafter be laid out, and make repairs thereto, as hereinafter provided; they may cause buildings, structures, and other things, in the way of any streets, or other public improvements, to be taken down, removed and appropriated, upon the payment of damages, as hereinafter provided; and the board of trustees may exercise all the powers given to township trustees in regard to highways in their respective towns; and the marshal, under the direction of the board of trustees, may perform all the duties and exercise all the powers of road supervisors in reference to a road labor tax, not to exceed two days in each year by each person liable to work on roads in townships, and shall be gov-

erned by the same rules and regulations in reference to the collections and enforcement of the same, and any person so liable to work may be discharged therefrom on the payment of one dollar and fifty cents per diem, provided that the board of trustees may, by general ordinance, prescribe the time within which, and the manner in which, such labor shall be performed.

SEC. 2. An emergency is declared to exist for the immediate taking effect of this act, it shall therefore be in force from and after its passage.

Which was read a first time.

The speaker, by consent, substituted Mr. Davidson on the committee on canals in place of Mr. Ray, relieved.

Mr. White, from the committee on cities and towns, submitted the following report:

**MR. SPEAKER:**

Your committee on cities and towns, to whom was referred House Bill No. 196, have had the same under consideration, and direct me to return the bill to the House, with the recommendation that it lie on the table.

Which report was concurred in.

Mr. McGowan, from the committee on county and township business, submitted the following report:

**MR. SPEAKER:**

Your committee, to whom was referred House Bill No. 159, an act to amend section eight of an act entitled "An act touching the laying out and vacating towns, streets, alleys, public squares," etc., have had the same under consideration, and recommend its passage.

Which was accepted.

The Speaker announced the following special committee on roads, consisting of one from each Congressional District:

Hooker, Stephens, Hartley, Martin of Wayne, Martin of Putnam, White, Rhodes, Cox, Taylor, Britton and Wood.

The Speaker announced the following special joint committee on memorials and bills presented by Business Men's Convention, on the part of the House :

Messrs. Cauthorn, Defrees, Sansberry and Stone.

The committee on equalization of railroad taxation was allowed a clerk, by the unanimous consent of the House.

Mr. Gordon of Boone, from the committee on insurance, submitted the following report :

MR. SPEAKER :

Your committee on insurance had under consideration House Bill No. 163, entitled "An act to regulate insurance companies," and beg leave to report the same back, and recommend its passage.

Which report was accepted.

Mr. Sansberry, from the committee on insurance, submitted the following report :

MR. SPEAKER :

Your committee, to whom was referred House Bill No. 164, "An act to regulate forfeiture on life insurance," have had the same under consideration, and report the same back, with the recommendation that it lie on the table.

Which was concurred in.

Mr. Mitchell, from the committee on education, submitted the following report :

MR. SPEAKER :

Your committee, to whom was referred House Bill No. 25, "An act to provide for the general system of common schools, the officers thereof, and their powers and duties connected therewith," have had the same under consideration, and report the same back, with the recommendation that it lie on the table.

Which was concurred in.

Mr. Abbett, from the committee on education, submitted the following report:

MR. SPEAKER:

The committee on education, to whom was referred House Bill No. 97, entitled an act to amend section twenty-seven of act entitled "An act to provide for a general system of common schools, the officers thereof, their respective duties and powers, and matters properly connected therewith," etc., have had the same under consideration, and direct me to report the same back to the House, with the recommendation that it pass.

Which report was concurred in.

Mr. Biggs, from the committee on education, submitted the following report:

MR. SPEAKER:

The committee on education, to whom was referred House Bill No. 153, entitled "An act to provide for a general system of common schools, the officers thereof, and their respective duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1865, have had the same under consideration, and respectfully report the same back, with the recommendation that it lie on the table.

Which was concurred in.

Mr. Ruddell, from the committee on education, submitted the following report:

MR. SPEAKER:

The committee on education, to whom was referred House Bill No. 118, entitled an act to amend section thirty-one of an act entitled "An act to provide a general system of common schools, the officers thereof, and their respective powers and duties, and matters connected therewith, and prescribing fees for certain officers therein named, and for the establishment and regulation of township

libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1865, have had the same under consideration, and direct me to report the same back, with the recommendation that it lie on the table.

Which report was concurred in.

Mr. Defrees, from the committee on education, submitted the following report:

MR. SPEAKER:

The committee on education, to whom was referred House Resolution offered by Hon. M. Hardin, directing your committee to inquire into the expediency of amending the common school law, so as to prohibit those who have no children to educate from voting or participating in the election of teachers, have had the same under consideration, and respectfully report the same back, with the recommendation that it lie on the table.

Which report was concurred in.

Mr. Guthrie, from the committee on education, submitted the following report:

MR. SPEAKER:

The committee on education, to whom was referred House Bill No. 195, entitled an act to amend sections thirty-four and thirty-five of "An act to provide for a general system of common schools, for the State of Indiana, with provisions therefor, as approved March 6th, 1865, prescribing the duties and privileges of school examiners, etc., designating the number of branches in which applicants for license shall be examined, etc., determining the grade of scholarship requisite to obtain license, etc., stating the length of time for which teachers' licenses may be granted, etc., designating the county seat as the place, at which all examinations shall be had, etc., authorizing patrons of schools to designate additional branches to be taught," etc., have had the same under consideration, and direct me to report the same back to the House, with the recommendation that it be indefinitely postponed.

Which was not concurred in.

A message from the Senate, by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the President of the Senate has signed enrolled acts Nos. 11, 268 and 2 of the House, and the same are herewith returned to the House.

Mr. Abbett, from the committee on education, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House Bill No. 189, an act to amend "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," have had the same under consideration, and report the same back, with the recommendation that it lie on the table.

Which was concurred in.

Mr. Ballenger, from the committee on education, submitted the following report:

MR. SPEAKER:

The committee on education, to whom was referred the memorial in regard to grading teachers' salaries, so as to make all salaries according to qualification, presented by Mr. Calkins of Porter, have had the same under consideration, and beg leave to report the same back, with the recommendation that it lie on the table—the present law being in the opinion of the committee sufficient.

Which report was concurred in.

Mr. Ballenger, from the committee on education, submitted the following report:

MR. SPEAKER:

The committee on education, to whom was referred House Bill



No. 183, entitled "An act authorizing cities, towns and townships to negotiate bonds for school building purposes, and authorizing the collection of a tax for the payment of such bonds," have had the same under consideration, and beg leave to report the same back, with the recommendation that it pass.

Which report was concurred in.

Mr. Ruddell, from the committee on education, submitted the following report:

MR. SPEAKER:

The committee on education, to whom was referred House Bill No. 130, entitled "An act to appropriate one thousand three hundred and sixty dollars, to the general school funds of the State of Indiana," have had the same under consideration, and beg leave to report the same back, with the recommendation that it lie on the table.

Which report was concurred in.

Mr. McDonald, from the committee on education, submitted the following report:

MR. SPEAKER:

The committee on education, to whom was referred House Bill No. 104, entitled "An act defining the powers and duties of township trustees, in relation to the building of graded school houses in their respective townships, and matters properly connected therewith, have had the same under consideration, and beg leave to report the same back to the House, with the recommendation that it pass.

Which report was accepted.

Mr. Defrees, from the committee on education, submitted the following report:

MR. SPEAKER:

Your committee to whom was referred House Resolution No. 30, in relation to grading teachers and salaries, have had the same under

consideration, and report the same back with the recommendation that it lie on the table.

Which was concurred in.

Mr. McDonald, from the committee on education, submitted the following report :

MR. SPEAKER :

Your committee to whom was referred House Bill No. 92, an act to amend section one hundred and twenty-five, and thirty-three of an act to provide for a general system of common schools, have had the same under consideration, and report the same back, with the recommendation that it be indefinitely postponed.

Which was concurred in.

Mr. Tebbs, from the special committee, submitted the following report :

MR. SPEAKER :

Your committee, to whom was referred House Bill No. 167, an act to amend sections 1 and 2 of an act creating the Twenty-Sixth Judicial District, and fixing the time of holding the courts in the Fourth Judicial Circuit, approved April 22, 1869, have had the same under consideration, and have directed me to report the same back to the House, with the following amendments, to wit :

Strike out of the amended clause in section 1, the words "in the county of Franklin, on the first Mondays in May and December," and insert in lieu thereof, the following : "in the county of Franklin, on the first Mondays in April and October," and that when said bill is so amended, your committee respectfully recommend its passage.

Which report was accepted.

Mr. Wood, from the select committee on House Bill No. 144, submitted the following report :

MR. SPEAKER :

The select committee, to whom was referred House Bill No. 144,

an act to provide for the time of holding Circuit Courts in the Ninth Judicial Circuit, and to repeal all laws in conflict therewith, have had the same under consideration, and have requested me to report the same back to the House, and recommend its passage.

Which report was accepted.

Mr. Davidson, from the special committee on Senate Bill No. 145, submitted the following report :

MR. SPEAKER:

The special committee, to whom was referred Senate Bill No. 145, fixing the times of holding the courts of the Twelfth Judicial Circuit, having considered the same, have instructed me to report, recommending its passage.

Which report was concurred in.

Mr. Haynes, from the committee on rights and privileges, submitted the following report :

MR. SPEAKER:

Your committee to whom was referred House Bill No. 62, have had the same under consideration, and directed me to report the following bill as a substitute, and recommend its passage :

House Bill No. 271. A bill providing for the protection of fish, and repealing all laws in conflict with the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, that no person shall take any fish with a net, seine, gun or trap of any kind, or set-net, weir or pot, in any of the lakes, ponds or rivers and small streams in this State, except as herein-after provided; no person shall take any fish with a gig or spear during the months of March, April, May, November and December. Any person violating the provisions of this section, shall be subject to a fine for each fish so taken, not less than five, nor more than twenty-five dollars. *Provided*, that the penalty in this section shall not be enforced against persons catching small minnows for bait, with seines not over fifteen feet in length, or the legitimate

fishing with hook, line and pole, or taking fish out of the Ohio river.

SEC. 2. No person shall place in any stream, lake or pond, any lime or other deleterious substance with the intent to injure fish, nor any drug, nor medicated bait, with intent thereby to poison or catch fish, any person violating the provisions of this section shall be liable to a penalty of not less than twenty dollars, or more than fifty dollars.

SEC. 3. Prosecutions may be brought by any person in the name of the State of Indiana, against any one violating any of the provisions of this act, before any justice of the peace in the county in which such violation is alleged to have taken place, or before any court of competent jurisdiction, and any person violating any of the foregoing provisions of this act, shall be deemed guilty of a misdemeanor; and it is made the duty of the prosecuting attorney in this State to see that the provisions of this act are enforced in their respective counties.

SEC. 4. All acts or parts of acts in conflict with any of the provisions of this act are hereby repealed.

SEC. 5. An emergency exists for the immediate passage of this act.

Therefore, the same shall take effect and be in force from and after its passage.

Which was read a first time.

Mr. Wood moved that the constitutional rule requiring that bills be read on three several days, be suspended, so as to allow House Bill No. 144, to be read a second time by its title, and put upon its passage.

The ayes and noes were taken under the constitutional rule.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Britton,	Calkins of Fulton,
Ballenger,	Browning,	Cauthorn,
Barnaby,	Bruner,	Coggsell,
Beeler,	Butterworth,	Conner,
Biggs,	Caldwell,	Copner,

Cunningham,	King,	Rhodes,
Curtis,	Kirkpatrick,	Rice,
Davidson,	Knight,	Ruddell,
Deputy,	Lines,	Sabin,
Devol,	Major,	Stephenson,
Friedley,	Martin of Wayne,	St. John,
Furnas,	Martin of Putnam,	Stone,
Gallentine,	McDowell,	Strickland,
Goble,	McFarland,	Tarlton,
Gordon of Cass,	McGowan,	Taughinbaugh,
Guthrie,	Minick,	Taylor,
Hardin,	Millikan,	Tebbs,
Hartley,	Mitchell,	Walker,
Hawley,	Monroe,	Washburn,
Haynes,	Montgomery,	Warrum,
Heilman,	Myers,	Williams,
Henderson,	Neff,	Wood,
Hendry,	Netherton,	Woodward,
Hooker,	Oatley,	Wymer,
Hynes,	Ray,	Zenor,
Kennedy,	Rawles,	Mr. Speaker—77.

*Those who voted in the negative were, Messrs.*

Defrees,	Hill,	White—3.
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So the rule was suspended.

House Bill No. 144. An act to provide for the time of holding the Circuit Courts in the Ninth Judicial Circuit, and to repeal all laws in conflict therewith.

Which was read a second time by its title, and a third time by sections.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Biggs,	Caldwell,
Ballenger,	Browning,	Calkins of Fulton,
Barnaby,	Bruner,	Calkins of Porter,
Beeler,	Butterworth,	Cauthorn,

Coggswell,	Hooker,	Rhodes,
Copner,	Hynes,	Rice,
Cox,	Kennedy,	Ruddell,
Cunningham,	King,	Sayers,
Curtis,	Kirkpatrick,	Shutt,
Davidson,	Knight,	Snodgrass,
Defrees,	Lines,	Stephens,
Deputy,	Major,	St. John,
Devol,	Martin of Wayne,	Stone,
Donham,	Martin of Putnam,	Strickland,
Friedley,	McDonald,	Tarlton,
Furnas,	McDowell,	Taughinbaugh,
Gallentine,	McFarland,	Taylor,
Goble,	McGowan,	Tebbs,
Gordon of Cass,	Minick,	Walker,
Guthrie,	Millikan,	Washburn,
Hardin,	Mitchell,	Warrum,
Hartley,	Monroe,	White,
Hawley,	Myers,	Williams,
Haynes,	Neff,	Wood,
Heilman,	Netherton,	Woodward,
Henderson,	Oatley,	Wymer,
Hendry,	Ray,	Zenor,
Hill,	Rawles,	Mr. Speaker—84.

There being no one voting in the negative.

So the bill passed,

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

*Ordered*, That the Clerk inform the Senate of the passage of the same.

A message from the Senate, by the Secretary thereof:

MR. SPEAKER:

I am instructed to inform the House, that the President of the Senate has signed Senate Enrolled Joint Resolution No. 6, entitled

"A joint resolution for the adjustment and collection of claims in favor of the State of Indiana," which is herewith transmitted for the signature of the Speaker.

Also, that the President of the Senate has signed Senate Enrolled Act No. 21, entitled an act to amend section 39 of an act entitled "An act defining felonies, and prescribing punishment therefor," which is also herewith transmitted for the signature of the Speaker.

Mr. Davidson moved that the constitutional rule requiring bills to be read on three several days be suspended, so as to allow Senate bill No. 145 to be read a second time by its title, and put upon its passage.

The ayes and noes were taken under the rule.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Hardin,	Neff,
Ballenger,	Hartley,	Netherton,
Barnaby,	Hawley,	Oatley,
Beeler,	Haynes,	Ray,
Biggs,	Heilman,	Rawles,
Britton,	Henderson,	Rhodes,
Browning,	Hendry,	Rice,
Bruner,	Hooker,	Ruddell,
Butterworth,	Hynes,	Sabin,
Caldwell,	Kennedy,	Stephenson,
Calkins of Fulton,	King,	St. John,
Cauthorn,	Kirkpatrick,	Stone,
Coggsell,	Knight,	Strickland,
Conner,	Lines,	Tarlton,
Copner,	Major,	Taughinbaugh,
Cunningham,	Martin of Wayne,	Taylor,
Curtis,	Martin of Putnam,	Tebbs,
Davidson,	McDowell,	Walker,
Deputy,	McFarland,	Washburn,
Devol,	McGowan,	Warrum,
Friedley,	Minick,	Williams,
Furnas,	Millikan,	Wood,
Gallentine,	Mitchell,	Woodward,
Goble,	Monroe,	Wymer,
Gordon of Cass,	Montgomery,	Zenor,
Guthrie,	Myers,	Mr. Speaker—77.

*Those who voted in the negative were, Messrs.*

Defrees,

Hill,

White—3.

So the constitutional rule was suspended.

Engrossed Senate Bill No. 145. An act fixing the time of holding courts in the Twelfth Judicial Circuit, repealing all laws in conflict therewith, and declaring an emergency.

Which was read a second time by its title, and a third time by sections.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Goble,	Minick,
Ballenger,	Gordon of Boone,	Millikan,
Barnaby,	Gordon of Cass,	Mitchell,
Beeler,	Guthrie,	Monroe,
Biggs,	Hardin,	Montgomery,
Browning,	Hartley,	Myers,
Bruner,	Hawley,	Neff,
Butterworth,	Haynes,	Netherton,
Caldwell,	Heilman,	Oatley,
Calkins of Fulton,	Henderson,	Ray,
Calkins of Porter,	Hendry,	Rawles,
Cauthorn,	Hill,	Rhodes,
Coggsell,	Hooker,	Rice,
Conner,	Hynes,	Ruddell,
Copner,	Kennedy,	Sabin,
Cox,	King,	Sayers,
Cunningham,	Kirkpatrick,	Shutt,
Curtis,	Knight,	Snodgrass,
Davidson,	Lines,	Stephens,
Defrees,	Major,	Stephenson,
Deputy,	Martin of Wayne,	St. John,
Devol,	Martin of Putnam,	Stone,
Donham,	McDonald,	Strickland,
Friedley,	McDowell,	Tarleton,
Furnas,	McFarland,	Taughinbaugh,
Gallentine,	McGowan,	Taylor,



Tebbs,	White,	Wymer,
Walker,	Williams,	Zenor,
Washburn,	Wood,	Mr. Speaker—87.
Warrum,	Woodward,	

There being no one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Clerk inform the Senate of the passage of the same.

Mr. Tebbs moved that the constitutional rule requiring bills to be read on three several days be suspended, so as to allow House Bill No. 167 to be read a second time by its title, and put upon its passage.

The ayes and noes were taken under the rule.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Deputy,	King,
Ballenger,	Devol,	Kirkpatrick,
Barnaby,	Friedley,	Knight,
Beeler,	Furnas,	Lines,
Biggs,	Gallentine,	Major,
Britton,	Goble,	Martin of Wayne,
Browning,	Gordon of Cass,	Martin of Putnam,
Bruner,	Guthrie,	McDowell,
Butterworth,	Hardin,	McFarland,
Caldwell,	Hartley,	McGowan,
Calkins of Fulton,	Hawley,	Minick,
Cauthorn,	Haynes,	Millikan,
Coggsell,	Heilman,	Mitchell,
Conner,	Henderson,	Monroe,
Copner,	Hendry,	Montgomery,
Cunningham,	Hooker,	Myers,
Curtis,	Hynes,	Neff,
Davidson,	Kennedy,	Netherton,

Oatley,	St. John,	Washburn,
Ray,	Stone,	Warrum,
Rawles,	Strickland,	Williams,
Rhodes,	Tarlton,	Wood,
Rice,	Taughinbaugh,	Woodward,
Ruddell,	Taylor,	Wymer,
Sabin,	Tebbs,	Zenor,
Stephenson,	Walker,	Mr. Speaker—77.

*Those who voted in the negative were, Messrs.*

Defrees,	Hill,	White—3.
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So the constitutional rule was suspended.

House Bill No. 167. An act to amend sections 1 and 2 of an act creating the Twenty-Sixth Judicial Circuit, and fixing the times of holding courts therein, and fixing the times of holding the courts in the Fourth Judicial Circuit, approved April 22, 1869.

Which was read a second time by its title.

Mr. Williams offered the following amendment :

Amend by striking out "first Monday in June and July," and insert in lieu thereof, "second Monday in May and November."

Which was agreed to.

House Bill No. 167, was then read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Caldwell,	Curtis,
Ballenger,	Calkins of Fulton,	Davidson,
Barnaby,	Calkins of Porter,	Defrees,
Beeler,	Cauthorn,	Deputy,
Biggs,	Coggswell,	Devol,
Britton,	Conner,	Donham,
Browning,	Copner,	Friedley,
Bruner,	Cox,	Furnas,
Butterworth,	Cunningham,	Gallentine,

Goble,	McDonald,	Shutt,
Gordon of Boone,	McDowell,	Snodgrass,
Gordon of Cass,	McFarland,	Stephens,
Guthrie,	McGowan,	Stephenson,
Hardin,	Minick,	St. John,
Hartley,	Miles,	Stone,
Hawley,	Millikan,	Strickland,
Haynes,	Mitchell,	Tarlton,
Heilman,	Monroe,	Taughinbaugh,
Henderson,	Montgomery,	Taylor,
Hendry,	Myers,	Tebbs,
Hill,	Neff,	Walker,
Hynes,	Netherton,	Washburn,
Kennedy,	Oatley,	Warrum,
King,	Ray,	White,
Kirkpatrick,	Rawles,	Williams,
Knight,	Rhodes,	Wood,
Lines,	Rice,	Woodward,
Major,	Ruddell,	Wymer,
Martin of Wayne,	Sabin,	Zenor,
Martin of Putnam,	Sayers,	Mr. Speaker—90.

There being no one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Clerk inform the Senate of the passage of the same.

Mr. Martin of Putnam, gave notice that he would move to reconsider the vote on the report of the judiciary committee, on the subject of pay to the Doorkeeper's employees.

#### HOUSE BILLS ON THIRD READING.

House Bill No. 122. Entitled an act to appropriate \$150.00 for the distribution of the report of the Superintendent of Public Instruction.

Which was read a third time.

Mr. McDonald moved to recommit the bill to the committee on education.

Mr. Tebbs moved to lay the motion on the table.

Which was agreed to.

The question recurring on the passage of the bill.

*Those who voted in the affirmative were, Messrs.*

Abbett,	King,	Sabin,
Ballenger,	Kirkpatrick,	Sayers,
Beeler,	Knight,	Snodgrass,
Biggs,	Lines,	Stephenson,
Bruner,	Major,	St. John,
Calkins of Fulton,	Martin of Wayne,	Stone,
Calkins of Porter,	Martin of Putnam,	Strickland,
Conner,	McDowell,	Taughinbaugh,
Copner,	Minick,	Taylor,
Cunningham,	Millikan,	Tebbs,
Deputy,	Mitchell,	Washburn,
Friedley,	Monroe,	White,
Furnas,	Myers,	Williams,
Gordon of Boone,	Neff,	Wilson,
Heilman,	Netherton,	Wood,
Henderson,	Ray,	Woodward,
Hill,	Rawles,	Wymer,
Hooker,	Rhodes,	Mr. Speaker—56.
Kennedy,	Ruddell,	

*Those who voted in the negative were, Messrs.*

Britton,	Goble,	Montgomery,
Browning,	Gordon of Cass,	Oatley,
Caldwell,	Guthrie,	Rice,
Cauthorn,	Hartley,	Simpson,
Cogswell,	Hawley,	Shutt,
Curtis,	Haynes,	Stephens,
Davidson,	Hynes,	Tarlton,
Devol,	McDonald,	Walker,
Donham,	McFarland,	Warrum,
Gallentine,	McGowan,	Zenor—30.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered*, That the Clerk inform the Senate of the passage of the same.

Engrossed House Bill No. 191. Entitled an act supplementary to an act regulating prosecutions in cases of bastardy, and providing for the support of illegitimate children, approved May 6th, 1852.

Which was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Haynes,	Rice,
Ballenger,	Hill,	Sabin,
Beeler,	Kennedy,	Sayers,
Biggs,	King,	Simpson,
Browning,	Kirkpatrick,	Shutt,
Caldwell,	Knight,	Snodgrass,
Calkins of Fulton,	Lines,	Stephenson,
Calkins of Porter,	Major,	St. John,
Conner,	Martin of Wayne,	Stone,
Davidson,	Martin of Putnam,	Strickland,
Deputy,	McDowell,	Taughinbaugh,
Friedley,	Minick,	Walker,
Furnas,	Millikan,	Washburn,
Galentine,	Monroe,	White,
Goble,	Myers,	Williams,
Gordon of Boone,	Neff,	Wilson,
Gordon of Cass,	Netherton,	Wood,
Guthrie,	Oatley,	Woodward,
Hardin,	Ray,	Wymer,
Hartley,	Rawles,	Mr. Speaker—62.
Hawley,	Rhodes,	

*Those who voted in the negative were, Messrs.*

Britton,	Cauthorn,	Copner,
Bruner,	Coggsell,	Cox,

Cunningham,	Hooker,	Montgomery,
Curtis,	Hynes,	Stephens,
Devol,	McDonald,	Tarlton,
Donham,	McFarland,	Warrum,
Heilman,	McGowan,	Zenor—22.
Henderson,		

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered*, That the Clerk inform the Senate of the passage of the same.

Engrossed House Bill No. 96. Entitled an act to amend section 45 of an act entitled "An act to provide for the opening and vacating and change of highways," approved June 19, 1852.

Which was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Gentry,	Mitchell,
Ballenger,	Goble,	Monroe,
Beeler,	Gordon of Cass,	Montgomery,
Biggs,	Guthrie,	Myers,
Britton,	Hardin,	Neff,
Browning,	Hawley,	Netherton,
Butterworth,	Heilman,	Oatley,
Caldwell,	Hill,	Rawles,
Calkins of Fulton,	Kennedy,	Rhodes,
Calkins of Porter,	King,	Rice,
Cogswell,	Knight,	Ruddell,
Conner,	Lincs,	Sabin,
Cox,	Major,	Sayers,
Davidson,	Martin of Wayne,	Simpson,
Deputy,	McDowell,	Shutt,
Donham,	Minick,	Snodgrass,
Furnas,	Millikan,	Stephens,

Stephenson,	Taylor,	Williams,
St. John,	Walker,	Wilson,
Stone,	Washburn,	Wood,
Strickland,	Warrum,	Wymer,
Tarlton,	White,	Mr. Speaker—67.

*Those who voted in the negative were, Messrs.*

Bruner,	Gordon of Boone,	McDonald,
Cauthorn,	Hartley,	McFarland,
Copner,	Henderson,	McGowan,
Cunningham,	Hendry,	Ray,
Curtis,	Hooker,	Taughinbaugh,
Defrees,	Hynes,	Tebbs,
Devol,	Kirkpatrick,	Zenor—21.

So the bill passed.

The question being, shall the title as read stand as the title of the bill.

It was so ordered.

*Ordered,* That the Clerk inform the Senate of the passage of the bill.

A message from the Senate, by Mr. Harrison, Secretary thereof:

MR. SPEAKER:

I am instructed to inform the House that the Senate has passed Senate Bill No. 53, entitled a bill to authorize trustees to sell real estate, and to invest the proceeds of sales for the benefit of their *cestui que* trusts.

And the same is herewith transmitted to the House for its action.

Also, that the Senate has passed Senate Joint Resolution No. 9, entitled a joint resolution directing the disposition of certain five per cent. Indiana bonds or stocks, now in the custody of the Secretary of the Treasury of the United States.

Which is herewith transmitted for the action of the House.

When,

On motion of Mr. Abbett,

The House took a recess until two o'clock P. M.

THURSDAY, FEBRUARY 9, 1871, 2 O'CLOCK P. M.

The House met.

ENGROSSED BILLS, AND BILLS FROM THE SENATE ON THEIR THIRD  
READING.

Engrossed House Bill No. 180. An act in relation to the disability of the Circuit Judges to hold and discharge the duties of their courts, and providing for the appointment of judges *pro tem.* during the disability of said judges elected.

Which was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Hardin,	Neff,
Ballenger,	Hartley,	Netherton,
Barnaby,	Hawley,	Oatley,
Britton,	Haynes,	Ray,
Browning,	Heilman,	Rawles,
Bruner,	Henderson,	Rhodes,
Butterworth,	Hendry,	Rice,
Caldwell,	Hill,	Sabin,
Calkins of Fulton,	Hooker,	Sansberry,
Coggsell,	Hynes,	Sayers,
Conner,	Kennedy,	Snodgrass,
Cox,	Kirkpatrick,	Stephens,
Cunningham,	Lines,	Stephenson,
Curtis,	Major,	St. John,
Defrees,	Martin of Putnam,	Stone,
Deputy,	Martin of Wayne,	Strickland,
Devol,	McDonald,	Tarlton,
Donham,	Minick,	Taughinbaugh,
Friedley,	Millikan,	Taylor,
Gallentine,	Mitchell,	Walker,
Goble,	Monroe,	Washburn,
Gordon of Boone,	Montgomery,	Warrum,
Guthrie,	Myers,	White,



Williams,	Woodward,	Zenor,
Wilson,	Wymer,	Mr. Speaker—73.
Wood,		

*Those who voted in the negative were, Messrs.*

Calkins of Porter,	McDowell—2.
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So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Clerk inform the Senate of the passage of the bill.

Engrossed House Bill No. 42. An act to amend section 11 of "An act to allow county commissioners to organize turnpike companies," etc.

Which was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Gallentine,	McFarland,
Ballenger,	Goble,	McGowan,
Barnaby,	Guthrie,	Minick,
Biggs,	Hawley,	Millikan,
Britton,	Haynes,	Mitchell,
Browning,	Heilman,	Monroe,
Bruner,	Henderson,	Myers,
Caldwell,	Hendry,	Netherton,
Coggsell,	Hill,	Oatley,
Cox,	Hooker,	Ray,
Cunningham,	Hynes,	Rawles,
Curtis,	Kennedy,	Rhodes,
Davidson,	Lines,	Simpson,
Defrees,	Major,	Shutt,
Deputy,	Martin of Wayne,	Snodgrass,
Devol,	Martin of Putnam,	Stephens,
Donham,	McDonald,	St. John,

Stone,	Washburn,	Wood,
Strickland,	Warrum,	Woodward,
Tarlton,	White,	Wymer,
Taylor,	Williams,	Zenor,
Tebbs,	Wilson,	Mr. Speaker—68.
Walker,		

*Those who voted in the negative were, Messrs.*

Butterworth,	Hartley,	Rice,
Calkins of Fulton,	King,	Ruddell,
Conner,	Kirkpatrick,	Sabin,
Copner,	Knight,	Sansberry,
Friedley,	McDowell,	Sayers,
Gordon of Boone,	Montgomery,	Stephenson,
Hardin,	Neff,	Taughinbaugh—20.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Clerk inform the Senate of the passage of the bill.

Mr. Major gave notice that he would move to reconsider the vote taken this morning on the report from the committee on education, on House Bill No. 25.

Engrossed House Bill No. 152. An act authorizing the issue of *subpoena duces tecum*, and requiring them in certain cases, to produce original records, bonds and other instruments in evidence.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Browning,	Copner,
Ballenger,	Butterworth,	Cox,
Barnaby,	Caldwell,	Curtis,
Beeler,	Calkins of Porter,	Davidson,
Biggs,	Coggsell,	Defrees,
Britton,	Conner,	Deputy,

Devol,	McDowell,	Shutt,
Donham,	McFarland,	Snodgrass,
Friedley,	McGowan,	Stephens,
Gallentine,	Minick,	Stephenson,
Goble,	Miles,	St. John,
Guthrie,	Millikan,	Stone,
Haynes,	Mitchell,	Strickland,
Heilman,	Monroe,	Tarlton,
Henderson,	Montgomery,	Taughinbaugh,
Hendry,	Myers,	Taylor,
Hill,	Neff,	Tebbs,
Hooker,	Netherton,	Walker,
Hynes,	Oatley,	Washburn,
Kennedy,	Ray,	Warrum,
King,	Rawles,	White,
Kirkpatrick,	Rhodes,	Williams,
Knight,	Rice,	Wilson,
Lines,	Ruddell,	Wood,
Major,	Sabin,	Woodward,
Martin of Wayne,	Sansberry,	Wymer,
Martin of Putnam,	Sayers,	Zenor,
McDonald,	Simpson,	Mr. Speaker—85.

*Those who voted in the negative were, Messrs.*

Bruner,

Cunningham—2.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Clerk inform the Senate of the passage of the bill.

Engrossed House Bill No. 101. Entitled an act to amend section 9 of an act entitled "An act to enable incorporated towns to lay out, open, grade and improve streets and alleys, and make public improvements therein, and to make surveys and adopt plats where the same have been lost or destroyed, and prescribing the duties of the board of trustees, and providing for the mode of working and

improving streets and alleys, and declaring an emergency," approved April 27th, 1867.

Which was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Hendry,	Netherton,
Barnaby,	Hill,	Oatley,
Browning,	Hooker,	Rawles,
Butterworth,	Hynes,	Rhodes,
Caldwell,	Kennedy,	Ruddell,
Calkins of Porter,	Knight,	Sayers,
Cauthorn,	Lines,	Shutt,
Cogswell,	Major,	Stephens,
Copner,	Martin of Wayne,	Stone,
Curtis,	McDonald,	Strickland,
Defrees,	McFarland,	Tarlton,
Devol,	McGowan,	Taylor,
Donham,	Minick,	Tebbs,
Gallentine,	Miles,	Walker,
Gordon of Boone,	Millikan,	Washburn,
Hawley,	Mitchell,	Warrum,
Haynes,	Monroe,	Wood,
Heilman,	Montgomery,	Woodward,
Henderson,	Myers,	Zenor—57.

*Those who voted in the negative were, Messrs.*

Ballenger,	Gordon of Cass,	Ray,
Beeler,	Guthrie,	Rice,
Biggs,	Hardin,	Sabin,
Britton,	Hartley,	Snodgrass,
Bruner,	King,	Stanley,
Conner,	Kirkpatrick,	Stephenson,
Cunningham,	Martin of Putnam,	St. John,
Davidson,	McDowell,	Taughinbaugh,
Friedley,	Neff,	Wymer—28.
Goble,		

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered*, That the Clerk inform the Senate of the passage of the bill.

#### SPECIAL ORDER FOR THE DAY.

The hour of 2½ o'clock P. M., having arrived, being the hour designated by the House for the further consideration of House Bill No. 6, the same was taken up.

Engrossed House bill No. 6. An act to provide for the assessment and collection of taxes for municipal purposes on the shares owned in banks, etc.

Which was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Donham,	Knight,
Ballenger,	Friedley,	Lines,
Barnaby,	Gallentine,	Major,
Beeler,	Goble,	Martin of Putnam,
Biggs,	Gordon of Boone,	McDonald,
Britton,	Gordon of Cass,	McDowell,
Browning,	Guthrie,	McFarland,
Bruner,	Hardin,	McGowan,
Butterworth,	Hartley,	Minick,
Caldwell,	Hawley,	Miles,
Calkins of Fulton,	Haynes,	Mitchell,
Coggsell,	Heilman,	Monroe,
Conner,	Henderson,	Montgomery,
Copner,	Hendry,	Neff,
Cox,	Hill,	Oatley,
Cunningham,	Hooker,	Ray,
Curtis,	Hynes,	Rawles,
Davidson,	Kennedy,	Rhodes,
Deputy,	King,	Rice,
Devol,	Kirkpatrick,	Ruddell,

Sansberry,	Stone,	Warrum,
Sayers,	Strickland,	White,
Simpson,	Tarlton,	Williams,
Shutt,	Taughinbaugh,	Wilson,
Snodgrass,	Taylor,	Wood,
Stanley,	Tebbs,	Woodward,
Stephens,	Walker,	Wymer,
Stephenson,	Washburn,	Zenor—85.
St. John,		

*Those who voted in the negative were, Messrs.*

Calkins of Porter,	Martin of Wayne,	Netherton,
Cauthorn,	Millikan,	Sabin—8.
Defrees,	Myers,	

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered*, That the Clerk inform the Senate of the passage of the bill.

Mr. Zenor, by consent of the House, offered the following resolution :

*Resolved*, That hereafter, during the remainder of this session, no member shall be allowed more than five minutes in the discussion of any motion or proposition, unless by the unanimous consent of the House.

Mr. Ballenger moved to amend by striking out "five" and inserting "ten" in lieu thereof.

Mr. Copner moved to amend the amendment by inserting "fifteen minutes" in place of "ten."

Which was not agreed to.

The question recurring on the amendment offered by Mr. Ballenger.

It was agreed to.

The question being on the resolution as amended.

The ayes and noes were demanded by Messrs. Neff and Ruddell.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Gordon of Cass,	Rawles,
Ballenger,	Guthrie,	Rhodes,
Barnaby,	Hartley,	Rice,
Biggs,	Haynes,	Sansberry,
Britton,	Heilman,	Simpson,
Browning,	Henderson,	Stanley,
Bruner,	Hendry,	Stephens,
Butterworth,	Kennedy,	St. John,
Caldwell,	Lines,	Stone,
Calkins of Fulton,	Major,	Strickland,
Cauthorn,	Martin of Wayne,	Tarlton,
Coggsell,	Martin of Putnam,	Taughinbaugh,
Conner,	McDonald,	Tebbs,
Cox,	McDowell,	Walker,
Cunningham,	McGowan,	Washburn,
Curtis,	McFarland,	Warrum,
Defrees,	Minick,	Wilson,
Deputy,	Millikan,	Wood,
Devol,	Mitchell,	Woodward,
Donham,	Monroe,	Wymer,
Gallentine,	Montgomery,	Zenor,
Goble,	Myers,	Mr. Speaker—68.
Gordon of Boone,	Neff,	

*Those who voted in the negative were, Messrs.*

Beeler,	Hynes,	Sabin,
Calkins of Porter,	King,	Sayers,
Copner,	Kirkpatrick,	Shutt,
Davidson,	Knight,	Snodgrass,
Friedley,	Netherton,	Stephenson,
Hawley,	Oatley,	Taylor,
Hill,	Ray,	White,
Hooker,	Ruddell,	Williams—24.

So the resolution prevailed.

Mr. Copner, from the committee on engrossed bills, submitted the following report :

MR. SPEAKER:

Your committee on engrossed bills, to whom was referred engrossed House Bills Nos. 6 and 266, have carefully compared the same with the original copies thereof, and find them correctly engrossed.

Mr. Cunningham offered the following resolution :

*Resolved*, That any member of this House who shall hereafter be absent from his seat without leave shall forfeit all pay and allowances due him during said absence.

Mr. Abbett moved to lay the resolution on the table.

Which was agreed to.

Mr. Browning called up House Bill No. 9, which had been read three several times on separate days and failed to pass for want of a constitutional majority.

Engrossed House Bill No. 9. Entitled an act entitled an act to repeal an act entitled "An act to discourage the keeping of useless and sheep-killing dogs, and provide penalties for the violation of any of the provisions of said act by officers and others, and also repealing an act to license dogs, approved March 11, 1861, and providing that nothing in this act shall be so construed as to conflict with the provisions of an act entitled 'An act for the protection of sheep,' approved June 15, 1852."

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Calkins of Fulton,	Curtis,
Barnaby,	Cauthorn,	Deputy,
Biggs,	Coggsell,	Donham,
Browning,	Copner,	Friedley,
Bruner,	Cox,	Goble,
Caldwell,	Cunningham,	Guthrie,



Hardin,	Montgomery,	Tarlton,
Hartley,	Netherton,	Walker,
Haynes,	Oatley,	Washburn,
Martin of Wayne,	Rice,	Warrum,
McFarland,	Simpson,	White,
McGowan,	Shutt,	Wymer,
Minick,	Stephens,	Zenor,
Miles,	Strickland,	Mr. Speaker—44.
Mitchell,		

*Those who voted in the negative were, Messrs.*

Ballenger,	Hooker,	Rawles,
Beeler,	Hynes,	Rhodes,
Britton,	Kennedy,	Ruddell,
Butterworth,	King,	Sansberry,
Calkins of Porter,	Kirkpatrick,	Sayers,
Conner,	Knight,	Snodgrass,
Davidson,	Lines,	Stanley,
Defrees,	Major,	Stephenson,
Devol,	Martin of Putnam,	St. John,
Gallentine,	McDonald,	Stone,
Gordon of Boone,	McDowell,	Taughinbaugh,
Gordon of Cass,	Millikan,	Taylor,
Hawley,	Monroe,	Williams,
Heilman,	Myers,	Wilson,
Henderson,	Neff,	Wood,
Hendry,	Ray,	Woodward—49.
Hill,		

So the bill failed to pass.

Mr. Stone called up Senate Joint Resolution No 9. A joint resolution directing the disposition to be made of certain Indiana five per cent. bonds or stocks now in custody of the Secretary of the Treasury of the United States.

Mr. Cauthorn moved to refer to the committee on ways and means, with instructions to report the same back at their earliest convenience.

Which was agreed to.

Mr. McFarland offered the following resolution :

WHEREAS, There was a committee on temperance duly appointed by the Speaker ; and,

WHEREAS, There has been numerous bills referred by this House to said committee, and, as yet, there has been no bills returned to this House or reports thereon submitted by said committee ; and,

WHEREAS, There was a resolution adopted by this House, one week since, directing said committee to return to this House, House Bill No. 125, with their report on the same, at an early day ; therefore,

*Be it resolved*, That the committee on temperance be directed to return to this House, by 10 o'clock to-morrow morning, House Bill No. 125, with their report on the same.

Which was agreed to.

Mr. Kennedy introduced

House Bill No. 272. An act regulating the fees of justices of the peace.

Which was read a first time, and,

On motion,

Referred to the committee on county and township business.

Mr. Deputy presented the claim of Preston B. Wilson for the sum of \$227.

Which was,

On motion,

Referred to the committee on claims.

Mr. Simpson moved to suspend the constitutional rule requiring bills to be read on three several days, so as to allow Senate Bill No. 105 to be taken up, read a second time by its title, and put upon its passage.

The ayes and noes were taken under the constitutional rule.

*Those who voted in the affirmative were, Messrs.*

Abbett,

Ballenger,

Barnaby,

Beeler,	Heilman,	Rhodes,
Biggs,	Henderson,	Rice,
Britton,	Hendry,	Ruddell,
Browning,	Hill,	Sabin,
Bruner,	Hooker,	Sansberry,
Butterworth,	Hynes,	Sayers,
Caldwell,	Kennedy,	Simpson,
Calkins of Fulton,	King,	Shutt,
Calkins of Porter,	Kirkpatrick,	Snodgrass,
Cauthorn,	Knight,	Stanley,
Coggswell,	Lines,	Stephens,
Conner,	Major,	Stephenson,
Copner,	Martin of Wayne,	St. John,
Cox,	Martin of Putnam,	Stone,
Curtis,	McDonald,	Strickland,
Davidson,	McDowell,	Tarlton,
Defrees,	McFarland,	Taughinbaugh,
Deputy,	McGowan,	Taylor,
Devol,	Minick,	Tebbs,
Donham,	Miles,	Walker,
Friedley,	Millikan,	Washburn,
Gallentine,	Mitchell,	Warrum,
Goble,	Monroe,	White,
Gordon of Boone,	Montgomery,	Williams,
Gordon of Cass,	Myers,	Wilson,
Guthrie,	Neff,	Wood,
Hardin,	Netherton,	Woodward,
Hartley,	Oatley,	Wymer,
Hawley,	Ray,	Zenor,
Haynes,	Rawles,	Mr. Speaker—92.

Mr. Cunningham voted in the negative.

So the rule was suspended.

Engrossed Senate Bill No. 105. An act to abolish the Twenty-Ninth Judicial Circuit, (Jefferson Criminal Court,) and to transfer its business to the Circuit Court, to provide for the jurisdiction of the Circuit and Common Pleas Courts of Jefferson county, in cases of felony and misdemeanors, and matters connected therewith.

Which was read a second time by its title.

The question being on the amendment reported by the committee, as follows: In section 5 and line 5, after the word "misdemeanor" add the following:

"And felonies, as provided by the 17th section of an act to establish Courts of Common Pleas, etc., approved May 14th, 1852, and took effect March 5th, 1859."

It was agreed to.

Whereupon the bill was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Ballenger,	Hawley,	Rhodes,
Barnaby,	Haynes,	Rice,
Beeler,	Heilman,	Ruddell,
Biggs,	Henderson,	Sabin,
Britton,	Hill,	Sansberry,
Browning,	Hooker,	Sayers,
Butterworth,	Kennedy,	Simpson,
Caldwell,	King,	Shutt,
Calkins of Fulton,	Kirkpatrick,	Snodgrass,
Calkins of Porter,	Knight,	Stanley,
Cauthorn,	Lines,	Stephens,
Coggsell,	Major,	Stephenson,
Conner,	Martin of Wayne,	St. John,
Copner,	Martin of Putnam,	Strickland,
Cox,	McDonald,	Tarleton,
Cunningham,	McDowell,	Taughinbaugh,
Curtis,	McFarland,	Taylor,
Davidson,	McGowan,	Tebbs,
Defrees,	Minick,	Walker,
Deputy,	Miles,	Washburn,
Devol,	Millikan,	Warrum,
Donham,	Mitchell,	White,
Friedley,	Montgomery,	Williams,
Gallentine,	Myers,	Wilson,
Goble,	Neff,	Wood,
Gordon of Cass,	Netherton,	Woodward,
Guthrie,	Oatley,	Wymer,
Hardin,	Rawles,	Zenor—88.
Hartley,		

Mr. Speaker voted in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered*, That the Clerk inform the Senate of the passage of the bill.

Mr. St. John moved that the constitutional rule requiring bills to be read on three several days, be suspended, so as to allow House Bill No. 173 to be read a second time by its title and put upon its passage.

The ayes and noes were taken under the constitutional rule.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Gallentine,	McDowell,
Ballenger,	Goble,	McFarland,
Barnaby,	Gordon of Boone,	McGowan,
Beeler,	Gordon of Cass,	Minick,
Biggs,	Guthrie,	Miles,
Britton,	Hardin,	Millikan,
Browning,	Hartley,	Mitchell,
Bruner,	Hawley,	Monroe,
Butterworth,	Haynes,	Montgomery,
Caldwell,	Heilman,	Myers,
Calkins of Fulton,	Henderson,	Neff,
Calkins of Porter,	Hendry,	Netherton,
Canthorn,	Hill,	Oatley,
Coggsell,	Hooker,	Ray,
Conner,	Hynes,	Rawles,
Copner,	Kennedy,	Rhodes,
Cox,	King,	Rice,
Curtis,	Kirkpatrick,	Ruddell,
Davidson,	Knight,	Sabin,
Defrees,	Lines,	Sansberry,
Deputy,	Major,	Sayers,
Devol,	Martin of Wayne,	Simpson,
Donham,	Martin of Putnam,	Shutt,
Friedley,	McDonald,	Snodgrass,

Stanley,	Taughinbaugh,	Williams,
Stephens,	Taylor,	Wilson,
Stephenson,	Tebbs,	Wood,
St. John,	Walker,	Woodward,
Stone,	Washburn,	Wymer,
Strickland,	Warrum,	Zenor,
Tarlton,	White,	Mr. Speaker—92.

Mr. Cunningham voted in the negative.

So the rule was suspended.

House Bill No. 173. An act to fix the time of holding Circuit Courts and length of terms thereof, in the courts composing the Seventh Judicial Circuit of Indiana.

Which was read a second time by its title.

The question being on the amendment reported by the committee, as follows, to wit: "In the county of Hancock on the first Mondays of February and September of each year." And in section 2, amend so that courts in the county of Hancock shall extend four weeks at each term, if the business shall so long require.

It was agreed to.

Whereupon the bill was read a third time, by sections.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Ballenger,	Cauthorn,	Donham,
Barnaby,	Coggsell,	Friedley,
Beeler,	Conner,	Furnas,
Biggs,	Copner,	Gallentine,
Britton,	Cox,	Goble,
Browning,	Cunningham,	Gordon of Cass,
Bruner,	Curtis,	Guthrie,
Butterworth,	Davidson,	Hardin,
Caldwell,	Defrees,	Hartley,
Calkins of Fulton,	Deputy,	Hawley,
Calkins of Porter,	Devol,	Haynes,

Heilman,	Mitchell,	Stephenson,
Henderson,	Monroe,	St. John,
Hendry,	Montgomery,	Stone,
Hill,	Myers,	Strickland,
Hooker,	Neff,	Tarlton,
Hynes,	Netherton,	Taughinbaugh,
Kennedy,	Oatley,	Taylor,
King,	Ray,	Tebbs,
Kirkpatrick,	Rawles,	Walker,
Knight,	Rhodes,	Washburn,
Lines,	Rice,	Warrum,
Major,	Ruddell,	White,
Martin of Putnam,	Sabin,	Williams,
Martin of Wayne,	Sansberry,	Wilson,
McDowell,	Simpson,	Wood,
McFarland,	Shutt,	Woodward,
McGowan,	Snodgrass,	Wymer,
Miles,	Stanley,	Zenor,
Millikan,	Stephens,	Mr. Speaker—89.

There being no one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Clerk inform the Senate of the passage of the bill.

Leave of absence was granted to Mr. Copner until Monday.

By the unanimous consent of the House,  
Mr. Williams introduced

House Bill No. 273. Entitled an act to amend an act entitled "An act creating the Twenty-Sixth Judicial Circuit," approved April 22, 1869, and fixing the time of holding the courts in the Fourth Judicial Circuit, and declaring an emergency.

Which was read a first time, and,

On motion,

Referred to a special committee, consisting of Messrs. Williams, Kennedy, Hill, Strickland, Goble and Tebbs.

By consent of the House,  
Mr. Copner introduced

House Bill No. 274. An act to repeal sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, of an act entitled "An act providing for the organization of boards of commissioners and prescribing some of their powers and duties," approved June 17, 1852.

Which was read a first time and passed to its second reading.

Mr. Ruddell moved that the constitutional rule which requires bills to be read on three several days, be suspended, so as to allow House Bill No. 234 to be taken up, read a second time by its title, and put upon its passage.

The ayes and noes were taken under the constitutional rule.

*Those who voted in the affirmative were, Messrs.*

Ballenger,	Gordon of Cass,	McFarland,
Barnaby,	Guthrie,	Minick,
Beeler,	Hartley,	Miles,
Biggs,	Hawley,	Millikan,
Browning,	Haynes,	Mitchell,
Bruner,	Heilman,	Monroe,
Butterworth,	Henderson,	Montgomery,
Caldwell,	Hendry,	Myers,
Calkins of Porter,	Hill,	Netherton,
Cauthorn,	Hooker,	Oatley,
Cogswell,	Hynes,	Ray,
Copner,	Kennedy,	Rawles,
Cox,	King,	Rhodes,
Cunningham,	Kirkpatrick,	Rice,
Curtis,	Knight,	Ruddell,
Davidson,	Lines,	Sabin,
Defrees,	Major,	Sansberry,
Devol,	Martin of Wayne,	Sayers,
Donham,	Martin of Putnam,	Shutt,
Gallentine,	McDonald,	Snodgrass,
Goble,	McDowell,	Stanley,



Stephens,	Tarlton,	Williams,
Stephenson,	Taughinbaugh,	Wilson,
St. John,	Taylor,	Wood,
Stone,	Walker,	Woodward,
Strickland,	Washburn,	Zenor—79.

Mr. White voted in the negative.

So the rule was suspended.

House Bill No. 234. Entitled "An act providing for a general system of common schools in all cities of thirty thousand or more inhabitants, and for the election of a board of school commissioners for such cities, and defining their duties and prescribing their powers, and providing for common school libraries within such cities."

Which was read a second time by its title, and a third time by sections.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Barnaby,	Friedley,	Lines,
Ballenger,	Gallentine,	Major,
Beeler,	Gentry,	Martin of Wayne,
Biggs,	Goble,	Martin of Putnam,
Browning,	Gordon of Boone,	McDonald,
Bruner,	Gordon of Cass,	McDowell,
Butterworth,	Guthrie,	McFarland,
Caldwell,	Hartley,	McGowan,
Calkins of Fulton,	Hawley,	Minick,
Calkins of Porter,	Haynes,	Millikan,
Cauthorn,	Heilman,	Mitchell,
Conner,	Henderson,	Monroe,
Copner,	Hendry,	Myers,
Cunningham,	Hill,	Netherton,
Curtis,	Hooker,	Oatley,
Davidson,	Hynes,	Ray,
Defrees,	Kennedy,	Rawles,
Deputy,	King,	Rhodes,
Devol,	Kirkpatrick,	Rice,
Donham,	Knight,	Ruddell,

Sabin,	Stephenson,	Washburn,
Sansberry,	St. John,	Warrum,
Sayers,	Stone,	Williams,
Simpson,	Strickland,	Wilson,
Shutt,	Tarlton,	Wood,
Snodgrass,	Taughinbaugh,	Zenor,
Stanley,	Walker,	Mr. Speaker—85.
Stephens,		

*Those who voted in the negative were, Messrs.*

Coggsweil,	Montgomery,	Taylor—4.
Miles,		

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Clerk inform the Senate of the passage of the bill.

Mr. Copner, from the committee on engrossed bills, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred engrossed House Bills Nos. 144 and 167, have carefully compared the same with the original copies thereof and find them correctly engrossed.

Which report was accepted.

When,

On motion of Mr. McDowell,  
The House adjourned.

## FRIDAY MORNING.

FEBRUARY 10, 1871, 9 O'CLOCK.

The House met.

Prayer by the Rev. Charles Tinsley of Asbury Chapel.

The Journal of yesterday was read in part, when,  
 On motion of Mr. Washburn,  
 The further reading thereof was dispensed with.

## RESOLUTIONS, PETITIONS, AND BILLS ON THEIR FIRST READING.

Mr. Gordon of Boone presented the petition of one thousand citizens of Boone county on the subject of temperance.

Which was,  
 On motion,  
 Referred to the committee on temperance.

Mr. Gordon of Boone presented the petition of sundry citizens of that county for the repeal or modification of the divorce laws.

Which was,  
 On motion,  
 Referred to the committee on the judiciary.

Also, a petition from sundry citizens of the same county on the subject of prison reform.

Which was,  
 On motion,  
 Referred to the committee on benevolent institutions.

Mr. Browning introduced

House Bill No. 275. An act authorizing metropolitan police districts in incorporated cities having a population of not less than

thirty thousand inhabitants, according to the United States census for the year eighteen hundred and seventy, and providing for the government thereof.

Which was read a first time, and,

On motion,

Referred to the committee on corporations.

Mr. McDonald moved to reconsider the vote taken yesterday on concurring in the report from the committee on railroads on House Bill No. 182.

Mr. Miles moved to lay the motion on the table.

Which was not agreed to.

The question recurring on the motion to reconsider.

It was agreed to.

Mr. Wilson moved to recommit the bill (H. B. 182) to the committee on judiciary.

Which was agreed to.

Mr. McFarland introduced

House Bill No. 276. Entitled an act to authorize county commissioners to encourage public improvements.

Which was read a first time, and,

On motion,

Referred to the committee on county and township business.

Mr. McFarland introduced

House Bill No. 277. An act to secure the arrest of horse thieves.

Which was read a first time, and passed to its second reading on to-morrow.

Mr. Barnaby introduced

House Bill No. 278. Entitled an act in relation to the removal of dead bodies, and prescribing penalties therefor.

Which was read a first time, and passed to its second reading.

Mr. Cogswell presented four several petitions on the subject of temperance, from the citizens of Orange and Crawford counties and from the State at large.

Which were,

On motion,

Referred to the committee on temperance.

Mr. Tebbs introduced

House Bill No. 279. Entitled an act to amend section twenty-one of an act entitled "An act to authorize a company to construct the Aurora and Laughery Turnpike," approved February 15, 1848.

Which was read a first time, and,

On motion,

Referred to the committee on highways.

Mr. Tebbs presented a communication from Prof. Hobbs, Superintendent of Public Instruction.

Which was,

On motion of Mr. Tebbs,

Referred to the committee on claims.

Mr. Strickland presented two several petitions from citizens of Decatur county for the repeal of the law licensing the sale of spirituous liquors.

Which were,

On motion,

Referred to the committee on temperance.

Mr. Snodgrass introduced

House Bill No. 280. An act to amend section 26 of an act entitled "An act to provide for a general system of common schools, the officers thereof, their respective powers and duties."

Which was read a first time, and,

On motion,

Referred to the committee on county and township business.

Mr. Defrees introduced

House Bill No. 281. Entitled an act to amend section 6 of an act

entitled "An act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21st, 1852, and amended and filed in the Secretary of State's office March 17, 1861.

Which was read a first time.

Mr. Defrees introduced

House Bill No. 282. An act authorizing hydraulic companies to appropriate lands to their use for construction and repairs, upon paying the assessed value thereof, and providing for such assessment and for an assessment upon stock.

Which was read a first time, and passed to its second reading.

Mr. Myers presented a petition and memorial from citizens of Elkhart county on the subject of temperance.

Which was,

On motion,

Referred to the committee on temperance.

Mr. St. John presented a memorial, accompanied by a transcript of the records in Grant county, in relation to certain Indian lands.

Which,

On motion of Mr. Ballenger,

Was referred to the committee on claims.

Mr. St. John introduced

House Bill No. 283. An act limiting the jurisdiction of the Supreme Court of Indiana in civil cases.

Which was read a first time, and passed to its second reading.

Mr. Minick presented the petition of certain citizens of Greene county on the subject of temperance.

Which was,

On motion,

Referred to the committee on temperance.

Mr. Warrum offered the following resolution :

*Resolved*, That the Doorkeeper be and he is hereby instructed to contract for one copy of the semi-weekly Indiana American for each member of this House, and for each elective officer thereof, at the regular rates of such paper,  $6\frac{1}{4}$  cents per week, counting from the beginning of the session, the same to be delivered loose on the tables of the members on each respective day of publication.

Mr. Abbett moved to lay the resolution on the table.

Which was agreed to.

Mr. Conner presented a memorial and petition from citizens of Hamilton county on the subject of divorce.

Which was,

On motion,

Referred to the judiciary committee.

Mr. Connor presented the petition of sundry citizens on the subject of prison reform.

Which was,

On motion,

Referred to the committee on benevolent institutions.

Mr. Lines introduced

House Bill No. 284. An act to amend section 25 of "An act regulating descents and the apportionment of estates," approved May 14, 1852.

Which was read a first time, and passed to its second reading.

Mr. Kirkpatrick introduced

House Bill No. 285. An act in relation to unclaimed county orders.

Which was read a first time, and passed to its second reading.

Mr. Kirkpatrick introduced

House Bill No. 286. Entitled an act in relation to the duties of constables and their fees.

Which was read a first time, and passed to a second reading.

Mr. Kirkpatrick presented the petition of sundry citizens on the subject of prison reform.

Which was,

On motion,

Referred to the committee on benevolent institutions.

Also, a petition from citizens of the same county asking the repeal or modification of the divorce laws.

Which was,

On motion,

Referred to the committee on rights and privileges.

Mr. Washburn introduced

House Bill No. 287. An act to protect wood, timber, shade and ornamental trees growing on lands, town or city lots, and prescribing penalties for the violation of any of its provisions.

Which was read a first time, and passed to its second reading.

Mr. Washburn introduced

House Bill No. 288. An act defining the procuring of abortion or miscarriage to be a felony, prescribing punishment therefor, and repealing all laws conflicting with the same.

Which was read a first time, and passed to its second reading.

A message from the Senate, by Mr. Harrison, Secretary thereof:

MR. SPEAKER:

I am instructed to inform the House that the Senate has passed engrossed Senate Bill No. 18. Entitled an act authorizing county recorders to demand and receive their fees for recording in advance.

Also, Senate Joint Resolution No. 10. A joint resolution in favor of the passage of an act by Congress to extend the jurisdiction of the Light-House Board so as to include the Mississippi, Missouri and Ohio rivers, and to arrange these rivers into one or more light-house districts.

In which action of the Senate, the House is requested to concur.



I am also authorized to inform the House, further, that the Senate has passed concurrent resolution of the House providing for a select committee to consider and report upon the memorial, resolutions and bills presented by the business men of the State to this General Assembly, and that Senators Martindale, Bradley, Francisco and Bird have been appointed upon said committee.

Also, House concurrent resolution in regard to the removal of the National Capital to some more central and appropriate location.

And the same are herewith returned to the House.

Mr. Simpson introduced

House Bill No. 289. An act to provide for the publication of the proceedings and allowances of boards of county commissioners, and for the publication of the receipts and expenditures of township trustees, and for other purposes.

Which was read a first time, and,

On motion,

Referred to the committee on county and township business.

Mr. Monroe presented the petition of sundry citizens of Jefferson county for the reduction of fees of county officers and other subjects.

Which was,

On motion,

Referred to the committee on county and township business.

Mr. Cauthorn introduced

House Bill No. 290. An act in relation to agents of foreign insurance companies doing business within this State, defining certain of their duties, and the duties of certain officers named in relation thereto, and for taxing, for certain purposes therein named, the receipts of such companies on account of business transacted within this State, and prescribing penalties for the violation of any of its provisions.

Which was read a first time, and,

On motion,

Referred to the committee on insurance.

Mr. Cauthorn introduced

House Bill No. 291. Entitled an act to amend sections two and three of an act entitled "An act to fix the number of Senators and Representatives to the General Assembly of the State of Indiana, and to apportion the same among the several counties of the State," approved February 26, 1867.

Which was read a first time, and,

On motion,

Referred to a special committee of five, to be announced by the Speaker.

Mr. Simpson presented a petition of sundry citizens of Scott county on the subject of temperance.

Which was,

On motion,

Referred to the committee on temperance.

Mr. Ruddell introduced

House Bill No. 292. Entitled an act to provide for the sale and transfer of corporation stock for non-payment of taxes, and declaring an emergency.

Which was read a first time, and,

On motion,

Referred to the committee on corporations.

Mr. Ruddell presented the claim of Mary E. Coburn, relict of J. A. Coburn, for services rendered the State by her late husband.

Which was,

On motion,

Referred to the committee on claims.

Mr. Stephens offered the following concurrent resolution :

A concurrent resolution instructing our Senators and requesting our Representatives in Congress to procure an appropriation from the United States for the improvement of the navigation of White River.

Which was not agreed to.

Mr. Cox presented a petition from sundry citizens of Miami county on the subject of the repeal of the gravel road law.

Which was,

On motion,

Referred to the committee on roads.

Mr. Wilson presented the claim of Charles C. Campbell, late sheriff of Marion county, for money expended in procuring the arrest of certain persons, fugitives from justice.

Which was,

On motion,

Referred to the committee on claims.

Mr. Mitchell introduced

House Bill No. 292. An act authorizing the appropriation of money out of the State Treasury for the use of Indiana State University, located at Bloomington, Monroe county.

Which was read a first time, and,

On motion,

Referred to the committee on education.

Mr. Major introduced

House Bill No. 294. An act to amend section 5 of an act entitled "An act to provide for a uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and repealing all laws conflicting with this act," approved February 18th, 1859.

Which was read a first time, and passed to its second reading.

Mr. Mitchell introduced

House Joint Resolution No. 13. A joint resolution instructing our Representatives in Congress to use their influence for the appointment of an International Congress, for the settlement of national disputes without war.

Which was read a first time, and,

On motion,

Referred to the committee on Federal relations.

Mr. Calkins of Porter introduced

House Bill No. 295. Entitled an act to authorize the exercise of executive clemency towards prisoners convicted of public offenses and sentenced to imprisonment, by paroling instead of pardoning such prisoners.

Which was read a first time, and,

On motion,

Referred to the committee on judiciary.

Mr. Calkins of Porter introduced

House Bill No. 296. Entitled an act touching the consolidation of railroads, and declaring the effect of such consolidation.

Which was read a first time, and,

On motion,

Referred to the committee on railroads.

Mr. Calkins of Porter introduced

House Bill No. 297. An act to provide for farm crossings across railroads.

Which was read a first time, and,

On motion,

Referred to the committee on railroads.

Mr. Calkins of Porter offered the following resolution:

*Resolved*, That the committee on county and township business be and they are hereby instructed to inquire into the practicability of reducing the fees of all township officers, including township trustees, assessors and supervisors, and also road viewers to the sum of \$1.50 per day, and report by bill or otherwise.

Which was agreed to, and,

On motion,

Referred to the committee on county and township business.

Mr. Neff introduced

House Bill No. 298. Entitled an act to amend the 108th section

of "An act to provide for a general system of common schools, fixing the fees for certain officers," etc.

Which was read a first time, and passed to a second reading.

Mr. Montgomery introduced

House Bill No. 299. An act making the fee for recording deeds, mortgages and leases, a lien on the real estate described therein.

Which was read a first time, and,

On motion,

Referred to the committee on county and township business.

Mr. Woodward presented a petition from sundry citizens of Hamilton county, praying for the removal of all legal and political disabilities of women.

Which was,

On motion,

Referred to the committee on rights and privileges.

By order of the joint committee on the equalization of railroad taxation,

Mr. Stone introduced

House Bill No. 300. An act to legalize the existence, meetings and proceedings of the District and State boards of equalization which assembled in 1869, and to force the observance of the action of said State board.

Which was read a first time, and passed to its second reading.

Mr. Furnas presented a petition on the subject of prison reform.

Which was,

On motion,

Referred to the committee on benevolent and scientific institutions.

Mr. Stone introduced

House Bill No. 301. An act to provide for the payment of taxes quarterly.

Which was read a first time, and,

On motion,

Referred to the committee on ways and means.

Mr. Wymer presented a petition from sundry citizens of White county on the subject of temperance.

Which was,

On motion,

Referred to the committee on temperance.

Mr. Hartley offered the following resolution :

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of so changing the law governing the jurisdiction of justices of the peace, so as to make their jurisdiction co-extensive with their counties in all written contracts or agreements, and report by bill or otherwise as soon as practicable.

Which was agreed to.

Mr. Kennedy presented two petitions from the citizens of Rush county, asking protection of farmers against depredations by sportsmen.

Which were,

On motion,

Referred to the committee on agriculture.

Mr. Netherton introduced

House Bill No. 302. An act establishing a standard weight per bushel for cranberries, etc., and declaring an emergency.

Which was read a first time, and passed to its second reading.

Mr. Netherton offered the following resolution :

*Resolved*, That the committee on military affairs, to whom was referred a resolution asking an investigation and report of the amount of unpaid claims, if any, due to recruiting officers for recruiting service rendered in this State during the late war, on the consolidation of their recruits, by law, is hereby required to report to this House the facts required, at its earliest convenience.

Which was agreed to.

Mr. Ray presented the petition of sundry citizens in reference to

the law compelling landholders to pay assessments to build gravel roads, etc.

Which was,  
On motion,  
Referred to the committee on roads.

Mr. Davidson introduced

House Bill No. 303. Entitled an act to amend the eighteenth section of an act entitled "An act regulating descents and the apportionment of estates," approved May 14, 1852.

Which was read a first time, and,  
On motion,  
Referred to the committee on judiciary.

Mr. Davidson introduced

House Bill No. 304. Entitled an act fixing the weights and regulating the sale of salted or cured fish, and prescribing punishment for violations thereof.

Which was read a first time, and passed to a second reading.

Mr. Davidson presented the petition of sundry citizens of Tippecanoe county on the subject of temperance.

Which was,  
On motion,  
Referred to the committee on temperance.

Mr. Heilman introduced

House Bill No. 305. An act in relation to orphan asylums and the children intrusted to their care.

Which was read a first time, and,  
On motion,  
Referred to the committee on benevolent institutions.

Mr. White introduced

House Bill No. 306. An act to amend section seven of an act entitled "An act to provide for a general system of common schools, the officers thereof and their respective powers and duties, and mat-

ters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, and providing penalties therein prescribed," approved March 6, 1865.

Which was read a first time, and,

On motion,

Referred to the committee on education.

Mr. Mack (Mr. Martin of Putnam in the chair,) introduced

House Joint Resolution No. 14. Joint resolution on the subject of Presidents of the United States and presidential candidates receiving gifts.

Which was read a first time, and,

On motion,

Made the special order for Thursday, February 16th, at 3 o'clock P. M.

Mr. Sayers presented the petition of sundry citizens of Wabash county on the subject of divorce.

Which was,

On motion,

Referred to the judiciary committee.

Mr. Rhodes introduced

House Bill No. 307. An act to amend section two of an act entitled "An act creating the Twenty-Third Common Pleas District, and making provision therefor, and repealing all conflicting laws," approved March 11, 1867, providing for the return of process, and repealing all laws in conflict with this act.

Which was read a first time, and passed to its second reading.

Mr. Oatley introduced

House Bill No. 308. An act appointing commissioners to visit the fish ponds of James T. Campbell, to ascertain the extent of his enterprise, and to inquire into the expediency of assisting him by an appropriation.

Which was read a first time, and,

On motion,

Referred to the committee on agriculture.



Mr. Oatley presented two petitions from citizens of Washington and adjoining counties in reference to the artificial growing of fish, etc.

Which were,

On motion,

Referred to the committee on agriculture.

Mr. Barnaby, from the committee on temperance, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House Bill No. 125, have had the same under consideration, and are of opinion that the bill, in part, is in opposition to the Constitution of the State, and being in doubt as to that, they herewith return said bill, with a recommendation that it be referred to the committee on judiciary.

Which was concurred in.

Mr. Abbett moved to reconsider the vote concurring in the report.

Which was agreed to, and the report went upon the Speaker's table.

Mr. Ballenger introduced

House Bill No. 309. Entitled an act in relation to sales of real and personal property on execution, providing for appraisement, and other matters properly connected therewith.

Which was read a first time, and passed to a second reading.

Mr. Ballenger introduced

House Joint Resolution No. 15. Entitled a joint resolution ceding to the United States jurisdiction to territory therein mentioned, and for purposes therein named.

*Be it resolved by the Senate and House of Representatives of the State of Indiana, That the jurisdiction of the State of Indiana over all of town fifteen (15) north of range four (4) east, be and the same is hereby ceded to the United States of America for the purpose of a National Capital whenever the Congress of the United States shall accept said cession for the purpose herein stated, and the*

State of Indiana hereby agrees to perfect any legislation which may be necessary to give to the United States all the rights and interests now possessed over the District of Columbia, over the territory herein named.

*Resolved*, That the Governor be required to furnish a copy of the aforesaid resolution, duly authenticated, to the Senate and House of Representatives of Congress.

Which was read a first time, and,

On motion,

Referred to the committee on Federal relations.

Mr. Martin of Wayne introduced

House Bill No. 310. An act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases.

Which was read a first time, and,

On motion,

Referred to the committee on county and township business.

Mr. Martin of Wayne introduced

House Bill No. 311. An act to amend section 58 of an act entitled "An act to provide for a general system of common schools," etc., approved March 5th, 1855.

Which was read a first time, and,

On motion,

Referred to the committee on education.

Mr. Calkins of Porter, gave notice of a motion to reconsider the vote taken yesterday on House Bill No. 9.

Mr. McDowell offered the following resolution:

*Resolved*, That the committee on county and township business be requested to inquire into the expediency of furnishing justices of the peace with dockets, to be paid for out of the township fund, and to report by bill or otherwise.

Which was agreed to.

Mr. Wymer offered the following resolution :

*Resolved*, That the Speaker is hereby requested to add the names of the Hon. O. H. P. Abbett and A. Stone to the committee on temperance.

Which was agreed to.

Mr. McDowell offered the following resolution :

*Resolved*, That the Speaker of the House appoint a committee of five members to investigate the affairs of the State Treasury, and be authorized to send for persons and papers, and ascertain whether any of the funds of the State have been used and loaned contrary to the provisions of the 5th section of the act of 1859, entitled "An act to provide a treasury system for the State of Indiana."

Which was agreed to.

Mr. McDonald offered the following resolution :

WHEREAS, It is shown by certain vouchers in the office of Auditor of State, that the publication of the State Superintendent's Report (10,000 copies) on the subject of education, for the term ending January, 1869, cost the State the sum of \$1,869.87; and

WHEREAS, The report of the Superintendent for the term ending January, 1871, has cost the State about \$10,878.48, in which last mentioned amount there is a gross item of about \$2,790.00, for the following items, to wit:

10,000 Engravings of Plate of Notre Dame.....	\$180 00
10,000 " Fourth Ward School.....	290 00
10,000 " Plans of School House.....	290 00
10,000 " " Normal School.....	120 00
10,000 " " Reform School for Boys...	180 00
10,000 " " State University.....	290 00
10,000 " " Reformatory School.....	180 00
13 Reams of Tinted Book Paper for Plates.....	260 00

Which shows an excess of about \$9,008.61 over the cost of the same number of reports as printed for 1869; therefore, be it

*Resolved*, That the committee on public expenditures be ordered to fully investigate said matter, to send for persons and papers, and after a full investigation to report to this House by what authority

said Superintendent contracted for said engraving and plates at such enormous rates, out of the people's money, and why such unprecedented difference in the cost of 10,000 copies of the report of the former Superintendent and the 10,000 copies of his, the present Superintendent's report.

Which was agreed to.

Mr. Martin of Wayne offered the following resolution:

*Resolved*, That a committee of three be appointed by the Speaker to examine the lands belonging to the State of Indiana north of the Institution for the Deaf and Dumb, and to inquire into its adaptability for a State House, and report by bill or otherwise.

Mr. Neff moved to lay the resolution on the table.

Which was agreed to.

A message from the Senate, by Mr. Harrison, the Secretary thereof:

MR. SPEAKER:

I am directed to inform the House that the Senate has passed Engrossed House Bill No. 180. Entitled an act in relation to the disability of circuit judges to hold and discharge the duties of their offices, and providing for the appointment of the judges *pro tem*. during the disability of said judges elected.

Which is herewith transmitted.

Also, that the Senate has concurred in the House Amendments to Senate Bill No. 105, being an act to abolish the Criminal Circuit Court in the county of Jefferson, in the State of Indiana, etc.

Mr. Hardin presented the petition of sundry citizens of Perry county, asking the passage of a law requiring sales of lands on execution or decrees to be published in the German papers in counties where such papers may be published.

Which was,

On motion,

Referred to the committee on county and township business.

Mr. Calkins of Porter gave notice of a motion to reconsider the vote of the House on the report of the committee by which House Bill No. 21 was laid on the table.

Mr. Friedley offered the following resolution:

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of amending the law in relation to prosecutions in State cases before justices of the peace, so as to require the prosecuting witness to pay the costs when it is apparent upon the trial that such prosecution was commenced without probable cause, and to report by bill or otherwise.

Which was agreed to.

Mr. McGowan introduced the following concurrent resolution:

*Resolved by the House of Representatives*, (the Senate concurring,) that five hundred copies of the report of the Board of Managers of the Reformatory Institutions for Women and Girls be printed for the use of the General Assembly.

Which was agreed to.

#### ENGROSSED BILLS ON THEIR THIRD READING.

Engrossed House Bill No. 271. An act providing for the protection of fish, and repealing all laws in conflict with the same.

Which was read a third time.

The question being, shall the bill pass?

Mr. Cauthorn moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question recurring on the passage of the bill.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Britton,	Coggsell,
Ballenger,	Butterworth,	Conner,
Barnaby,	Calkins of Fulton,	Defrees,
Beeler,	Calkins of Porter,	Deputy,
Biggs,	Cauthorn,	Furnas,

Gallentine,	Martin of Wayne,	Shutt,
Gordon of Cass,	Martin of Putnam,	Snodgrass,
Guthrie,	McDonald,	Stanley,
Hardin,	McGowan,	Stephenson,
Hawley,	Minick,	St. John,
Haynes,	Mitchell,	Stone,
Heilman,	Monroe,	Strickland,
Henderson,	Montgomery,	Tarlton,
Hendry,	Netherton,	Taughinbaugh,
Hill,	Ray,	Taylor,
Hooker,	Rhodes,	Washburn,
Kennedy,	Rice,	Warrum,
King,	Ruddell,	White,
Kirkpatrick,	Sabin,	Williams,
Knight,	Sansberry,	Wilson,
Lines,	Sayers,	Wood,
Major,	Simpson,	Zenor—66.

*Those who voted in the negative were, Messrs.*

Browning,	Friedley,	Myers,
Bruner,	Goble,	Neff,
Caldwell,	Gordon of Boone,	Oatley,
Cunningham,	Hartley,	Rawles,
Curtis,	Hynes,	Stephens,
Davidson,	McDowell,	Walker,
Devol,	McFarland,	Mr. Speaker—23.
Donham,	Millikan,	

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Clerk inform the Senate of the passage of the bill.

Engrossed House Bill No. 131. Entitled an act supplemental to an act entitled "An act in relation to county treasurers," approved March 4, 1852.

The question being, shall the bill pass?

Mr. Cauthorn moved to recommit to the committee on judiciary, with instructions to report a bill making all county orders drawn on the treasurer, subject to all dues or debts owing to the county by the party in whose favor such order is drawn, and the amount of such indebtedness shall be deducted from the amount of the order by the treasurer when presented for payment.

Which was agreed to.

Mr. Martin of Putnam offered the following resolution:

*Resolved*, That when the House adjourn this afternoon it shall be until Monday next, at 2 o'clock P. M. of said day.

Mr. Biggs moved to lay the resolution on the table.

Which was not agreed to.

Mr. Stone moved to amend by inserting at the proper place, that when it adjourn to-morrow morning it adjourn to meet on Monday at 2 o'clock P. M.

Mr. Defrees moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on the amendment of Mr. Stone.

It was agreed to.

The question recurring on the resolution as amended.

The ayes and noes were demanded by Messrs. Devol and Neff.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Davidson,	Goble,
Britton,	Defrees,	Guthrie,
Butterworth,	Devol,	Hardin,
Caldwell,	Donham,	Hartley,
Cauthorn,	Friedley,	Kennedy,

Kirkpatrick,	Neff,	Taughinbaugh,
Knight,	Sansberry,	Taylor,
McDonald,	Sayers,	Walker,
McDowell,	Stanley,	Washburn,
McFarland,	St. John,	Warrum,
McGowan,	Stone,	White,
Mitchell,	Tarlton,	Wood—37.
Myers,		

*Those who voted in the negative were, Messrs.*

Ballenger,	Haynes,	Netherton,
Barnaby,	Heilman,	Oatley,
Beeler,	Henderson,	Ray,
Biggs,	Hendry,	Rawles,
Browning,	Hill,	Rhodes,
Bruner,	Hooker,	Rice,
Calkins of Fulton,	Hynes,	Ruddell,
Calkins of Porter,	King,	Simpson,
Coggswell,	Lines,	Shutt,
Conner,	Major,	Snodgrass,
Cunningham,	Martin of Wayne,	Stephens,
Curtis,	Martin of Putnam,	Stephenson,
Deputy,	Minick,	Strickland,
Furnas,	Miles,	Wilson,
Gallentine,	Millikan,	Wymer,
Gordon of Boone,	Monroe,	Zenor,
Gordon of Cass,	Montgomery,	Mr. Speaker—52.
Hawley,		

So the resolution did not prevail.

Mr. Rice offered the following resolution:

*Resolved*, That no member of this House be granted leave of absence unless on account of sickness or business that will cause them great loss to neglect, or unless to those who have not been absent during this session.

Which was agreed to.

When,

On motion of Mr. Rhodes,

The House took a recess until 2 o'clock P. M.



FRIDAY, FEBRUARY 10, 1871, 2 O'CLOCK P. M.

The House met.

Mr. Martin of Putnam gave notice of a motion to reconsider the report from the committee on railroads, by the vote on which House Bill No. 244 was indefinitely postponed.

# ENGROSSED BILLS ON THEIR THIRD READING.

Engrossed House Bill No. 129. Entitled an act to amend an act to amend sections 1 and 3 of an act entitled "An act to provide for the relocation of county seats, and for the erection of public buildings in counties in case of relocation," approved March 2, 1855, and to amend section 1 of an act amendatory of said act, approved December 18, 1865, and to provide for the appointment of commissioners, approved February 24th, 1869.

Which was read a third time.

The question being, shall the bill pass?

Mr. Stanley moved to recommit the bill with the following instructions:

Amend by striking out "sixty-six per cent." and inserting "sixty per cent." in lieu thereof.

Mr. Tebbs moved to lay the motion on the table.

Which was agreed to.

Mr. Biggs moved to recommit the bill with instructions to amend as follows:

Amend emergency clause by inserting in the proper place the following: "That the same shall take effect and be in force from and after the first day of January, 1872."

Which was not agreed to.

Mr. Defrees moved to recommit the bill with instructions to insert "sixty-two per cent." in lieu of "sixty-six per cent."

Which was not agreed to.

Mr. Caldwell moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Haynes,	Netherton,
Ballenger,	Henderson,	Oatley,
Barnaby,	Hooker,	Rhodes,
Britton,	King,	Rice,
Browning,	Knight,	Sabin,
Butterworth,	Lines,	Sayers,
Caldwell,	Major,	Simpson,
Calkins of Fulton,	Martin of Wayne,	Shutt,
Cauthorn,	Martin of Putnam,	St. John,
Cox,	McDonald,	Stone,
Davidson,	McDowell,	Strickland,
Deputy,	Minick,	Tarlton,
Furnas,	Miles,	Taughinbaugh,
Gallentine,	Millikan,	Tebbs,
Goble,	Mitchell,	Wilson,
Gordon of Boone,	Monroe,	Wood,
Guthrie,	Montgomery,	Woodward,
Hardin,	Neff,	Zenor—55.
Hawley,		

*Those who voted in the negative were, Messrs.*

Beeler,	Devol,	Kennedy,
Biggs,	Donham,	Kirkpatrick,
Bruner,	Friedley,	McFarland,
Coggsell,	Gordon of Cass,	McGowan,
Conner,	Hartley,	Myers,
Cunningham,	Hendry,	Ray,
Curtis,	Hill,	Rawles,
Defrees,	Hynes,	Ruddell,

Sansberry,  
Snodgrass,  
Stanley,

Taylor,  
Walker,  
Warrum,

Williams,  
Mr. Speaker—32.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered*, That the Clerk inform the Senate of the passage of the bill.

Mr. Stone, from the committee on ways and means, submitted the following report:

MR. SPEAKER:

The committee on ways and means, to whom was referred a joint resolution directing the disposition to be made of certain Indiana five per cent. bonds, etc., now in the custody of the Treasurer of the United States, and which has passed the Senate, have had the same under consideration, and having heard the explanation of the matters contained therein by the Governor, have instructed me to report the same back to the House, and recommend its passage.

Which was concurred in.

Senate Joint Resolution No. 9. A joint resolution directing the disposition to be made of certain Indiana five per cent. bonds or stocks, now in the custody of the Secretary of the Treasury of the United States.

The question being, shall the joint resolution pass?

The ayes and noes were taken under the constitutional rule.

*Those who voted in the affirmative were, Messrs.*

Abbett,  
Ballenger,  
Barnaby,  
Beeler,  
Biggs,

Britton,  
Browning,  
Bruner,  
Butterworth,  
Caldwell,

Calkins of Fulton,  
Calkins of Porter,  
Cauthorn,  
Coggsell,  
Conner,

Cox,	King,	Sabin,
Cunningham,	Kirkpatrick,	Sayers,
Curtis,	Knight,	Simpson,
Davidson,	Lines,	Shutt,
Defrees,	Major,	Snodgrass,
Deputy,	Martin of Wayne,	Stanley,
Devol,	Martin of Putnam,	Stephens,
Donham,	McDonald,	Stephenson,
Friedley,	McFarland,	St. John,
Furnas,	McGowan,	Stone,
Gallentine,	Minick,	Strickland,
Goble,	Miles,	Tarlton,
Gordon of Boone,	Millikan,	Taughinbaugh,
Gordon of Cass,	Mitchell,	Taylor,
Guthrie,	Monroe,	Tebbs,
Hardin,	Montgomery,	Walker,
Hartley,	Myers,	Washburn,
Hawley,	Neff,	Warrum,
Haynes, <sup>1</sup>	Netherton,	White,
Heilman,	Oatley,	Williams,
Henderson,	Ray,	Wilson,
Hendry,	Rawles,	Wood,
Hill,	Rhodes,	Woodward,
Hooker,	Rice,	Wymer,
Hynes,	Ruddell,	Zenor—90.
Kennedy,		

*Those who voted in the negative were, Messrs.*

McDowell,

Mr. Speaker—2.

So the joint resolution passed.

The question being, shall the title as read stand as the title of the joint resolution.

It was so ordered.

*Ordered,* That the Clerk inform the Senate of the passage of the joint resolution.

A message from the Senate, by Mr. Harrison, the Secretary thereof:

MR. SPEAKER:

I am instructed to inform the House that the Senate has passed House Bill No. 58, entitled "An act to establish Superior Courts, defining their jurisdiction and providing for the election and compensation of the judges thereof," with amendments as follows, to wit:

Engrossed Senate amendment to engrossed House Bill No. 58: Amend by striking out the words "one thousand," in line 3, section 29, and insert "eight hundred and thirty-three" in place thereof.

Also, amend by striking out the words "two thousand," in line 6, section 29, and insert the words "sixteen hundred and sixty-seven" in place thereof.

Also, by striking out the word "two," in line 10, section 1, and insert the word "one" in place thereof, and strike out the word "one," in line 13, section 1, and insert the word "two" in place thereof.

Which bill and amendments are herewith transmitted to the House for its action.

Mr. Stephens, from the committee on engrossed bills submitted the following report:

MR. SPEAKER:

Your committee on engrossed bills have examined engrossed House Bills Nos. 173 and 234, and find the same correctly engrossed.

Mr. Wilson moved that the House now take up the engrossed Senate amendments to engrossed House Bill No. 58.

Which was agreed to.

The question being on concurring in the amendments.

They were concurred in.

Engrossed House Bill No. 55. An act authorizing turnpike companies, organized under the act approved March 6, 1865, to adopt the acts of May 12, 1852 in reference to turnpike companies, and all amendments thereto, and amending section 18 of an act entitled "An act to allow county commissioners, when three-fifths of the persons representing the real estate within prescribed limits petition

for the same, and to levy a tax for its construction, and to provide for the same to be free," approved March 6, 1865.

Which was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Ballenger,	Hendry,	Rhodes,
Barnaby,	Hill,	Ruddell,
Beeler,	Hooker,	Sabin,
Biggs,	Kennedy,	Sayers,
Britton,	King,	Snodgrass,
Browning,	Kirkpatrick,	Stanley,
Butterworth,	Knight,	Stephens,
Caldwell,	Lines,	St. John,
Cauthorn,	Major,	Stone,
Coggsell,	Martin of Wayne,	Strickland,
Conner,	Martin of Putnam,	Tarlton,
Defrees,	Minick,	Taughinbaugh,
Deputy,	Millikan,	Taylor,
Devol,	Mitchell,	Washburn,
Friedley,	Monroe,	Williams,
Furnas,	Montgomery,	Wilson,
Gallentine,	Myers,	Wood,
Goble,	Netherton,	Woodward,
Hartley,	Oatley,	Wymer,
Haynes,	Ray,	Mr. Speaker—60.
Heilman,	Rawles,	

*Those who voted in the negative were, Messrs.*

Bruner,	Henderson,	Rice,
Cunningham,	Hynes,	Sansberry,
Davidson,	McDonald,	Shutt,
Donham,	McDowell,	Walker,
Gordon of Cass,	McFarland,	Warrum,
Guthrie,	McGowan,	White,
Hardin,	Miles,	Zenor—25.
Hawley,	Neff,	

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered. \*

*Ordered*, That the Clerk inform the Senate of the passage of the bill.

Leave of absence was granted to Mr. Calkins of Porter, for to-day.

Engrossed House Bill No. 106. Entitled an act to prevent electors from voting for road supervisor in districts other than that in which the elector resides, and declaring a penalty therefor.

Which was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Hardin,	Rawles,
Ballenger,	Hawley,	Rice,
Barnaby,	Haynes,	Ruddell,
Beeler,	Heilman,	Sabin,
Biggs,	Henderson,	Shutt,
Britton,	Hendry,	Snodgrass,
Browning,	Hill,	Stanley,
Bruner,	Hooker,	Stephens,
Calkins of Fulton,	Hynes,	Stephenson,
Cauthorn,	Kennedy,	St. John,
Cogswell,	Kirkpatrick,	Stone,
Conner,	Lines,	Strickland,
Cox,	Major,	Tarlton,
Cunningham,	Martin of Wayne,	Taughinbaugh,
Curtis,	Martin of Putnam,	Taylor,
Defrees,	McDonald,	Walker,
Deputy,	Minick,	Washburn,
Donham,	Miles,	Warrum,
Devol,	Millikan,	White,
Friedley,	Monroe,	Wilson,
Furnas,	Montgomery,	Wood,
Gallentine,	Myers,	Woodward,
Goble,	Neff,	Wymer,
Gordon of Cass,	Netherton,	Zenor,
Guthrie,	Ray,	Mr. Speaker—75.

*Those who voted in the negative were, Messrs.*

Butterworth,	King,	Sayers,
Caldwell,	Knight,	Williams—7.
Hartley,		

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Clerk inform the Senate of the passage of the bill.

Engrossed House Bill No. 63. An act to amend sections 62, 63, 65 and 66 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867, and declaring an emergency.

Which was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Gordon of Cass,	Martin of Wayne,
Ballenger,	Guthrie,	Martin of Putnam,
Barnaby,	Hardin,	McDonald,
Beeler,	Hartley,	McDowell,
Browning,	Hawley,	McFarland,
Butterworth,	Haynes,	McGowan,
Cauthorn,	Heilman,	Minick,
Coggsell,	Hendry,	Miles,
Conner,	Hill,	Millikan,
Curtis,	Hooker,	Monroe,
Defrees,	Hynes,	Myers,
Deputy,	Kennedy,	Netherton,
Gallentine,	Knight,	Oatley,
Goble,	Lines,	Rawles,



Rhodes,	St. John,	Warrum,
Ruddell,	Stone,	Williams,
Sabin,	Strickland,	Wilson,
Sayers,	Tarlton,	Wood,
Simpson,	Taughinbaugh,	Woodward,
Shutt,	Taylor,	Wymer,
Snodgrass,	Tebbs,	Zenor,
Stanley,	Washburn,	Mr. Speaker—67.
Stephenson,		

*Those who voted in the negative were, Messrs.*

Bruner,	Furnas,	Montgomery,
Cox,	Gordon of Boone,	Neff,
Cunningham,	King,	Ray,
Davidson,	Kirkpatrick,	Rice,
Devol,	Major,	White—16.
Donham,		

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Clerk inform the Senate of the passage of the bill.

Engrossed House Bill No. 134. An act to prevent certain animals from running at large, except by permission of the county commissioners, township trustees, etc., and prescribing penalties for the violation thereof.

Which was read a third time.

The question being, shall the bill pass?

Mr. Tebbs moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question recurring on the passage of the bill.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Kennedy,	Snodgrass,
Ballenger,	King,	Stanley,
Beeler,	Knight,	Tarlton,
Britton,	Lines,	Taylor,
Calkins of Fulton,	Millikan,	Tebbs,
Deputy,	Montgomery,	White,
Furnas,	Ray,	Wilson,
Haynes,	Ruddell,	Woodward—27.
Hill,	Sabin,	

*Those who voted in the negative were, Messrs.*

Barnaby,	Hartley,	Oatley,
Biggs,	Hawley,	Rawles,
Browning,	Heilman,	Rhodes,
Bruner,	Henderson,	Rice,
Caldwell,	Hooker,	Sansberry,
Cauthorn,	Hynes,	Sayers,
Coggsell,	Kirkpatrick,	Simpson,
Conner,	Major,	Shutt,
Cox,	Martin of Wayne,	Stephens,
Cunningham,	Martin of Putnam,	Stephenson,
Curtis,	McDonald,	St. John,
Davidson,	McDowell,	Stone,
Defrees,	McFarland,	Strickland,
Devol,	McGowan,	Taughinbaugh,
Donham,	Minick,	Walker,
Friedley,	Miles,	Warrum,
Gallentine,	Mitchell,	Wood,
Goble,	Monroe,	Wymer,
Gordon of Cass,	Myers,	Zenor,
Guthrie,	Neff,	Mr. Speaker—63.
Hardin,	Netherton,	

So the bill failed to pass.

Engrossed House Bill No. 266. An act to amend the sixth section of "An act to provide for the custody and management of the

notes, bonds and mortgages arising directly out of loans heretofore made by the Board of Sinking Fund Commissioners, to continue in force all laws or parts of laws in force on the 20th day of January, 1867, which are applicable to said loans and the securities therefor, to clothe the Auditor of State with powers and subject him to the duties in relation to said loans and securities therefor, which by said laws are vested in or imposed upon said Board of Sinking Fund Commissioners, to provide for the incidental expenses of the management of said loans and securities, including clerk hire, and for the modes and payment of such allowance for expenses, substituting the seal of the Auditor of State for that of the Board of Sinking Fund Commissioners, and declaring an emergency for the immediate taking effect of this act, and providing for the Auditor of State to execute bond and payment of all moneys into the State Treasury."

Which was read a third time.

Mr. Ruddell offered the following amendment :

Amend by providing that any officer who shall receive any bonus or interest for deposits of any part of this fund shall, upon conviction thereof, be declared guilty of a felony, and shall forfeit his office.

Which was agreed to.

Mr. Cauthorn moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Bruner,	Curtis,
Ballenger,	Caldwell,	Davidson,
Barnaby,	Calkins of Fulton,	Defrees,
Biggs,	Cauthorn,	Deputy,
Beeler,	Coggsell,	Devol,
Britton,	Conner,	Donham,
Browning,	Cox,	Friedley,

Furnas,	McDonald,	Shutt,
Gallentine,	McDowell,	Snodgrass,
Goble,	McFarland,	Stanley,
Gordon of Boone,	McGowan,	Stephens,
Gordon of Cass,	Minick,	Stephenson,
Guthrie,	Miles,	St. John,
Hardin,	Millikan,	Stone,
Hartley,	Mitchell,	Strickland,
Hawley,	Monroe,	Tarlton,
Haynes,	Montgomery,	Taylor,
Heilman,	Myers,	Taughinbaugh,
Henderson,	Neff,	Walker,
Hendry,	Netherton,	Washburn,
Hill,	Oatley,	Warrum,
Hooker,	Ray,	White,
Hynes,	Rawles,	Wilson,
Kennedy,	Rhodes,	Williams,
Kirkpatrick,	Rice,	Wood,
Knight,	Ruddell,	Woodward,
Lines,	Sabin,	Wymer,
Major,	Sansberry,	Zenor,
Martin of Wayne,	Sayers,	Mr. Speaker—88.
Martin of Putnam,	Simpson,	

Mr. Cunningham voted in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered*, That the Clerk inform the Senate of the passage of the bill.

Mr. Strickland offered the following resolution :

*Resolved*, That when this House adjourn, it adjourn until Monday next, at 1½ o'clock P. M.

Mr. McDonald offered the following as a substitute :

*Resolved*, That when this House adjourn that it will adjourn to

meet on Monday, February 13, at 2 o'clock P. M.: *Provided*, That this House shall not adjourn over any other working day of this session.

Which was accepted by Mr. Strickland.

The question being, shall the resolution prevail?

It was agreed to.

Indefinite leave of absence was granted to Mr. Sansberry on account of sickness.

Mr. Rhodes moved that the constitutional rule requiring bills to be read on three several days be suspended to allow House Bill No. 307 to be taken up, read a second time by its title, and put upon its passage.

The ayes and noes were taken under the rule.

*Those who voted in the affirmative were, Messrs.*

Ballenger,	Guthrie,	McGowan,
Barnaby,	Hardin,	Minick,
Beeler,	Hartley,	Miles,
Biggs,	Hawley,	Millikan,
Britton,	Haynes,	Monroe,
Browning,	Heilman,	Montgomery,
Bruner,	Henderson,	Myers,
Caldwell,	Hendry,	Neff,
Calkins of Fulton,	Hill,	Netherton,
Cauthorn,	Hooker,	Oatley,
Coggsell,	Hynes,	Ray,
Conner,	Kennedy,	Rawles,
Cox,	King,	Rhodes,
Cunningham,	Kirkpatrick,	Rice,
Curtis,	Knight,	Ruddell,
Davidson,	Lines,	Sabin,
Deputy,	Major,	Sansberry,
Friedley,	Martin of Wayne,	Sayers,
Furnas,	Martin of Putnam,	Simpson,
Galentine,	McDonald,	Shutt,
Goble,	McDowell,	Snodgrass,
Gordon of Cass,	McFarland,	Stanley,

Stephens,	Taylor,	Wilson,
Stephenson,	Tebbs,	Wood,
St. John,	Walker,	Woodward, <sup>1</sup>
Stone,	Washburn,	Wymer,
Strickland,	Warrum,	Zenor,
Tarlton,	White,	Mr. Speaker—86.
Taughinbaugh,	Williams,	

*Those who voted in the negative were, Messrs.*

Defrees,	Devol,	Gordon of Boone—3.
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So the constitutional rule was suspended.

House Bill No. 307. An act to amend section 2 of an act entitled "An act creating the Twenty-Third Common Pleas District, and making provision therefor, and repealing all conflicting laws," approved, March 11, 1867, providing for the return of process, and repealing all laws in conflict with this act.

Which was read a second time by its title and a third time by sections.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Defrees,	Henderson,
Barnaby,	Deputy,	Hendry,
Ballenger,	Devol,	Hill,
Beeler,	Donham,	Hooker,
Biggs,	Friedley,	Hynes,
Britton,	Furnas,	Kennedy,
Browning,	Gallentine,	King,
Bruner,	Goble,	Kirkpatrick,
Caldwell,	Gordon of Boone,	Knight,
Calkins of Fulton,	Gordon of Cass,	Lines,
Coggsell,	Guthrie,	Major,
Conner,	Hardin,	Martin of Wayne,
Cox,	Hartley,	Martin of Putnam,
Cunningham,	Hawley,	McDonald,
Curtis,	Haynes,	McDowell,
Davidson,	Heilman,	McFarland,

McGowan,	Rice,	Tarlton,
Minick,	Ruddell,	Taughinbaugh,
Miles,	Sabin,	Taylor,
Millikan,	Sansberry,	Walker,
Mitchell,	Sayers,	Washburn,
Monroe,	Simpson,	Warrum,
Montgomery,	Shutt,	White,
Myers,	Snodgrass,	Williams,
Neff,	Stanley,	Wilson,
Netherton,	Stephens,	Wood,
Oatley,	Stephenson,	Woodward,
Ray,	St. John,	Wymer,
Rawles,	Stone,	Zenor,
Rhodes,	Strickland,	Mr. Speaker—89.

There being no one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Clerk inform the Senate of the passage of the bill.

Mr. Cauthorn moved that the constitutional rule requiring bills to be read on three several days, be suspended to allow House Bill No. 231 to be taken up, read a second time by its title, and put upon its passage.

The ayes and noes were taken under the rule.

*Those who voted in the affirmative were, Messrs.*

Ballenger,	Caldwell,	Curtis,
Barnaby,	Calkins of Fulton,	Davidson,
Beeler,	Cauthorn,	Deputy,
Biggs,	Coggswell,	Friedley,
Britton,	Conner,	Furnas,
Browning,	Cox,	Gallentine,
Bruner,	Cunningham,	Goble,

Gordon of Cass,	McFarland,	Stanley,
Guthrie,	McGowan,	Stephens,
Hardin,	Minick,	Stephenson,
Hartley,	Miles,	St. John,
Hawley,	Millikan,	Stone,
Haynes,	Monroe,	Strickland,
Heilman,	Montgomery,	Tarlton,
Henderson,	Myers,	Taughinbaugh,
Hendry,	Neff,	Taylor,
Hill,	Netherton,	Tebbs,
Hooker,	Oatley,	Walker,
Hynes,	Ray,	Washburn,
Kennedy,	Rawles,	Warrum,
King,	Rhodes,	White,
Kirkpatrick,	Rice,	Williams,
Knight,	Ruddell,	Wilson,
Lines,	Sabin,	Wood,
Major,	Sansberry,	Woodward,
Martin of Wayne,	Sayers,	Wymer,
Martin of Putnam,	Simpson,	Zenor,
McDonald,	Shutt,	Mr. Speaker—86.
McDowell,	Snodgrass,	

*Those who voted in the negative were, Messrs.*

Defrees,	Devol,	Gordon of Boone—3.
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So the constitutional rule was suspended.

House Bill No. 231. An act authorizing the making and recording of city plats, and making the same and copies of the record competent evidence.

Which was read a second time by its title, and a third time by sections.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Barnaby,	Biggs,
Ballenger,	Beeler,	Britton,



Browning,	Hill,	Rhodes,
Bruner,	Hooker,	Rice,
Caldwell,	Hynes,	Ruddell,
Calkins of Fulton,	Kennedy,	Sabin,
Cauthorn,	King,	Sansberry,
Coggswell,	Kirkpatrick,	Sayers,
Conner,	Knight,	Simpson,
Cox,	Lines,	Shutt,
Cunningham,	Major,	Snodgrass,
Curtis,	Martin of Wayne,	Stanley,
Davidson,	Martin of Putnam,	Stephens,
Defrees,	McDonald,	Stephenson,
Deputy,	McDowell,	St. John,
Donham,	McFarland,	Stone,
Friedley,	McGowan,	Strickland,
Furnas,	Minick,	Taughinbaugh,
Gallentine,	Miles,	Taylor,
Gentry,	Millikan,	Washburn,
Gordon of Cass,	Mitchell,	Warrum,
Guthrie,	Monroe,	White,
Hardin,	Montgomery,	Williams,
Hartley,	Myers,	Wilson,
Hawley,	Neff,	Wood,
Haynes,	Netherton,	Woodward,
Heilman,	Oatley,	Wymer,
Henderson,	Ray,	Zenor,
Hendry,	Rawles,	Mr. Speaker—88.

Mr. Devol voted in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Clerk inform the Senate of the passage of the bill.

By consent of the House,  
Mr. White introduced

House Bill No. 312. Entitled an act declaring who shall not be

competent to act as viewers and reviewers for the location, vacation or change of highways, and declaring an emergency.

Which was read a first time, and,

On motion,

Referred to the committee on county and township business.

By consent of the House,

Mr. Biggs introduced

House Bill No. 313. Entitled an act providing that conveyances so proved or certified as to be entitled to record may be read in evidence without further proof of the execution thereof.

Which was read a first time, and passed to a second reading.

By consent of the House,

Mr. Warrum introduced

House Bill No. 314. An act to amend the sixty-fourth section of "An act concerning justices of the peace, and defining their powers and duties," approved June 9, 1852.

Which was read a first time, and,

On motion,

Referred to the committee on county and township business.

Mr. Wood asked and obtained leave to call up out of its order,

House Bill No. 137. An act to fix the time of holding the Courts of Common Pleas in the Sixteenth Judicial District, and repealing all laws in conflict herewith.

Which was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Browning,	Conner,
Ballenger,	Bruner,	Cox,
Barnaby,	Caldwell,	Cunningham,
Beeler,	Calkins of Fulton,	Curtis,
Biggs,	Cauthorn,	Davidson,
Britton,	Coggsell,	Defrees,

Deputy,	Lines,	Sayers,
Devol,	Major,	Simpson,
Donham,	Martin of Wayne,	Shutt,
Friedley,	Martin of Putnam,	Snodgrass,
Furnas,	McDonald,	Stanley,
Gallentine,	McDowell,	Stephens,
Goble,	McFarland,	St. John,
Gordon of Cass,	McGowan,	Stone,
Guthrie,	Millikan,	Strickland,
Hardin,	Mitchell,	Tarlton,
Hartley,	Monroe,	Taughinbaugh,
Hawley,	Montgomery,	Tebbs,
Haynes,	Myers,	Walker,
Heilman,	Neff,	Washburn,
Henderson,	Netherton,	Warrum,
Hendry,	Oatley,	White,
Hill,	Ray,	Williams,
Hooker,	Rawles,	Wilson,
Hynes,	Rhodes,	Wood,
Kennedy,	Rice,	Woodward,
King,	Ruddell,	Wymer,
Kirkpatrick,	Sabin,	Zenor,
Knight,	Sansberry,	Mr. Speaker—87.

There being no one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Clerk inform the Senate of the passage of the bill.

Engrossed House Bill No. 170. Entitled an act to amend section eighteen of an act entitled "An act concerning the partition of lands," approved May 2, 1852.

Which was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Hawley,	Netherton,
Barnaby,	Haynes,	Oatley,
Britton,	Heilman,	Rawles,
Browning,	Henderson,	Rhodes,
Bruner,	Hendry,	Rice,
Caldwell,	Hooker,	Sabin,
Calkins of Fulton,	Hynes,	Simpson,
Cauthorn,	Kennedy,	Snodgrass,
Coggsell,	King,	Stanley,
Cunningham,	Knight,	Stone,
Curtis,	Martin of Wayne,	Strickland,
Davidson,	McDonald,	Tarlton,
Donham,	McFarland,	Taughinbaugh,
Friedley,	McGowan,	Tebbs,
Furnas,	Millikan,	Warrum,
Gallentine,	Mitchell,	Wood,
Goble,	Monroe,	Woodward,
Gordon of Cass,	Montgomery,	Wymer,
Guthrie,	Myers,	Zenor,
Hardin,	Neff,	Mr. Speaker—59.

*Those who voted in the negative were, Messrs.*

Beeler,	Devol,	McDowell,
Biggs,	Hartley,	Sansberry,
Conner,	Kirkpatrick,	Taylor,
Defrees,	Lines,	Walker,
Deputy,	Major,	Washburn—16.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Clerk inform the Senate of the passage of the bill.

Mr. Simpson presented the claim of members of Ninth Regiment Indiana Volunteers, for services in the late war.

Which was,

On motion,

Referred to the committee on claims.

Mr. Cunningham gave notice that he would move to reconsider the vote concurring in the report of the committee on House Bill No. 92.

When,

On motion of Mr. Cox,

The House adjourned.

## MONDAY AFTERNOON.

FEBRUARY 13, 1871, 2 O'CLOCK.

The House met pursuant to adjournment.

The Journal of Friday last was then read in part, when,

On motion of Mr. Rhodes,

The further reading thereof was dispensed with.

## ENGROSSED BILLS ON THEIR THIRD READING.

Engrossed House Bill No. 154. Entitled an act to amend an act entitled "An act providing for the election and appointment of supervisors of highways, and providing certain of their duties, and those of county and township officers in relation thereto," approved December 20th, 1865.

Which was read a third time.

The question being, shall the bill pass?

Mr. Taylor moved that the bill be informally passed over, and passed to the foot of the file.

Which was agreed to.

Mr. Zenor moved that the constitutional rule requiring bills to be read on three several days be suspended so as to allow House Bill No. 163 to be taken up, read a second time and put upon its passage.

The ayes and noes were taken under the constitutional rule.

*Those who voted in the affirmative were, Messrs.*

Abbett,  
Ballenger,  
Barnaby,  
Beeler,

Biggs,  
Browning,  
Bruner,  
Caldwell,

Calkins of Fulton,  
Calkins of Porter,  
Coggsell,  
Cunningham,

Deputy,	Major,	Simpson,
Devol,	Martin of Wayne,	Shutt,
Donham,	McDonald,	Snodgrass,
Gallentine,	McFarland,	Stanley,
Gordon of Boone,	McGowan,	Stephens,
Gordon of Cass,	Minick,	Stephenson,
Guthrie,	Miles,	St. John,
Hardin,	Mitchell,	Strickland,
Hawley,	Monroe,	Tarlton,
Heilman,	Montgomery,	Taughinbaugh,
Henderson,	Myers,	Taylor,
Hendry,	Neff,	Walker,
Hill,	Netherton,	Washburn,
Holland,	Oatley,	Warrum,
Hynes,	Rawles,	Williams,
Kennedy,	Rhodes,	Wilson,
King,	Rice,	Wood,
Kirkpatrick,	Ruddell,	Wymer,
Knight,	Sabin,	Zenor,
Lines,	Sansberry,	Mr. Speaker—72.

*Those who voted in the negative were, Messrs.*

Britton,	Cox,	Gentry—5.
Conner,	Defrees,	

So the constitutional rule was suspended.

House Bill No. 163. An act to regulate insurance companies.

Which was read a second time.

Mr. St. John offered the following amendment:

Amend section — so that such notes as are deposited as any part of the capital stock of any company, shall be secured by mortgage on real estate, and such notes shall not be taken out of deposit unless others equally well secured shall be deposited in their stead.

Mr. Williams moved that 200 copies of the bill, with the amendment offered thereto, be printed for the use of the House, and that the further consideration of the same be made the special order for Thursday next, at 10 o'clock A. M.

Which was agreed to.

A message from the Senate, by Mr. Harrison, Secretary thereof:

MR. SPEAKER:

I am authorized to inform the House that the President of the Senate has signed enrolled Concurrent Resolution of the House No. 11, in regard to the removal of the National Capital, and the same is herewith returned to the House.

I am further authorized to inform the House that the President of the Senate has signed enrolled act thereof No. 105, entitled an act to abolish the Jefferson Criminal Circuit Court," etc.

Also, enrolled Senate Act No. 145, fixing the times of holding courts in the Twelfth Judicial Circuit, etc., and the same are herewith transmitted to the House for the signature of the Speaker.

Engrossed House Bill No. 142. An act to amend section 5 of an act entitled an act to amend the 18th, 24th, 25th and 26th sections of an act entitled "An act regulating the apportionment of estates," approved May 14th, 1852, and adding a supplemental section, approved March 4th, 1853.

Which was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Gallentine,	McDowell,
Ballenger,	Hardin,	McFarland,
Beeler,	Hawley,	McGowan,
Biggs,	Heilman,	Minick,
Britton,	Henderson,	Millikan,
Browning,	Hendry,	Mitchell,
Bruner,	Hill,	Monroe,
Caldwell,	Holland,	Myers,
Calkins of Porter,	Hynes,	Netherton,
Coggswell,	Kennedy,	Oatley,
Conner,	King,	Rawles,
Copner,	Kirkpatrick,	Rice,
Cunningham,	Lines,	Ruddell,
Defrees,	Major,	Sabin,
Deputy,	McDonald,	Shutt,



Stephens,	Walker,	Wymer,
St. John,	Washburn,	Zenor,
Strickland,	Williams,	Mr. Speaker—55.
Taylor,		

*Those who voted in the negative were, Messrs.*

Cox,	Knight,	Tarlton,
Devol,	Miles,	Taughinbaugh,
Donham,	Montgomery,	Warrum,
Gentry,	Neff,	Wilson,
Gordon of Cass,	Snodgrass,	Wood—17.
Guthrie,	Stanley,	

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Clerk inform the Senate of the passage of the bill.

Engrossed House Bill No. 188. Entitled an act to provide for appeals in certain cases from the actions of county boards of equalization.

Which was read a third time. .

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Conner,	Heilman,
Ballenger,	Cunningham,	Henderson,
Beeler,	Defrees,	Hendry,
Biggs,	Deputy,	Hill,
Britton,	Devol,	Holland,
Browning,	Donham,	Hynes,
Bruner,	Gallentine,	Kennedy,
Caldwell,	Gordon of Cass,	King,
Calkins of Porter,	Guthrie,	Kirkpatrick,
Coggsell,	Hawley,	Knight,

Lines,	Netherton,	Tarlton,
Major,	Oatley,	Taughinbaugh,
McDonald,	Rawles,	Taylor,
McFarland,	Rice,	Walker,
McGowan,	Ruddell,	Washburn,
Minick,	Sabin,	Warrum,
Millikan,	Shutt,	Williams,
Mitchell,	Snodgrass,	Wilson,
Monroe,	Stanley,	Wood,
Montgomery,	Stephens,	Wymer,
Myers,	St. John,	Zenor—66.
Neff,	Strickland,	

*Those who voted in the negative were, Messrs.*

Cox,	McDowell,	Mr. Speaker—4.
Gentry,		

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Clerk inform the Senate of the passage of the bill.

Engrossed House Bill No. 185. 'An act for the relief of George L. Reiter and Maria B. Reiter.

Which was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbott,	Bruner,	Cox,
Ballenger,	Caldwell,	Cunningham,
Barnaby,	Calkins of Fulton,	Defrees,
Beeler,	Calkins of Porter,	Deputy,
Biggs,	Coggsell,	Devol,
Britton,	Conner,	Donham,
Browning,	Copner,	Gallentine,

Gentry,	McFarland,	Snodgrass,
Gordon of Boone,	McGowan,	Stanley,
Gordon of Cass,	Minick,	Stephens,
Guthrie,	Miles,	Stephenson,
Hardin,	Millikan,	St. John,
Hawley,	Mitchell,	Strickland,
Heilman,	Monroe,	Tarlton,
Henderson,	Montgomery,	Taughinbaugh,
Hendry,	Myers,	Taylor,
Hill,	Neff,	Walker,
Holland,	Netherton,	Washburn,
Hynes,	Oatley,	Warrum,
Kennedy,	Rawles,	Williams,
King, .	Rhodes,	Wilson,
Kirkpatrick,	Rice,	Wood,
Knight,	Ruddell,	Wymer,
Lines,	Sabin,	Zenor,
Major,	Simpson,	Mr. Speaker—76.
McDonald,	Shutt,	

There being no one voting in the negative.

So the bill passed.

The question being, shall the title of the bill as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Clerk inform the Senate of the passage of the bill.

Engrossed House Bill No. 138. An act to amend sections 2 and 3 of an act entitled "An act to incorporate the Indianapolis Gas Light and Coke Company, approved February 12th, 1851.

Which was read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,

Ballenger,

Beeler,

Biggs,	Hendry,	Rawles,
Britton,	Hill,	Rhodes,
Browning,	Holland,	Rice,
Bruner,	Hynes,	Ruddell,
Caldwell,	Kennedy,	Sabin,
Calkins of Fulton,	King,	Simpson,
Calkins of Porter,	Kirkpatrick,	Shutt,
Cogswell,	Knight,	Snodgrass,
Conner,	Lines,	Stephens,
Copner,	Major,	St. John,
Cox,	McDonald,	Strickland,
Cunningham,	McDowell,	Tarlton,
Deputy,	McFarland,	Taughinbaugh,
Devol,	McGowan,	Taylor,
Donham,	Minick,	Walker,
Gallentine,	Millikan,	Washburn,
Gentry,	Mitchell,	Warrum,
Gordon of Cass,	Monroe,	Williams,
Guthrie,	Montgomery,	Wilson,
Hardin,	Myers,	Wood,
Hawley,	Neff,	Wymer,
Heilman,	Netherton,	Zenor—72.
Henderson,	Oatley,	

No one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Clerk inform the Senate of the passage of the bill.

Engrossed House Bill No. 40. Entitled an act to amend section 7, chapter 170, of an act entitled "An act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto," approved March 5, 1859.

Which was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Hendry,	Rawles,
Ballenger,	Hill,	Ruddell,
Biggs,	Holland,	Sabin,
Browning,	Hynes,	Simpson,
Calkins of Fulton,	Kennedy,	Shutt,
Coggsell,	King,	Snodgrass,
Conner,	Knight,	Stanley,
Cox,	Lines,	Stephens,
Cunningham,	Major,	Stephenson,
Defrees,	McDonald,	St. John,
Deputy,	McFarland,	Strickland,
Devol,	Minick,	Taughinbaugh,
Donham,	Millikan,	Taylor,
Gallentine,	Mitchell,	Walker,
Gentry,	Monroe,	Washburn,
Hardin,	Montgomery,	Williams,
Hawley,	Myers,	Wood,
Heilman,	Netherton,	Wymer—57.
Henderson,		

*Those who voted in the negative were, Messrs.*

Beeler,	Kirkpatrick,	Tarlton,
Bruner,	McDowell,	Warrum,
Caldwell,	Neff,	Wilson,
Copner,	Rice,	Zenor—13.
Gordon of Cass,		

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Clerk inform the Senate of the passage of the bill.

By unanimous consent,  
Mr. Taylor introduced

House Bill No. 315. An act to authorize and encourage the construction of levees, dykes and drains, and the reclamation of wet and overflowed lands by incorporated associations, and providing for the incorporation of such associations, and prescribing their powers and privileges, and providing for the assessment of the cost of such improvement, and the expenses attending the same, upon the lands benefited thereby, and for the collection of such assessments.

Which was read a first time, and,

On motion,

Referred to the committee on dykes and drains.

Engrossed House Bill No. 132. Entitled an act to repeal the proviso in section 2 of an act entitled an act to amend section 2 of an act entitled "An act making the register of sales of Michigan road lands, and certified copies of entries therein, evidence, and declaring the effect thereof, and making the records and patents and certificates of purchase, and other evidence in writing of the sale of real estate, and certified copies of such records, evidence, and declaring the effect thereof," approved March 9, 1857, approved May 4th, 1869.

Which was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Donham,	Lines,
Ballenger,	Friedley,	Major,
Barnaby,	Gallentine,	McDonald,
Beeler,	Gordon of Cass,	McDowell,
Browning,	Hawley,	McFarland,
Bruner,	Heilman,	McGowan,
Caldwell,	Henderson,	Minick,
Calkins of Porter,	Hendry,	Miles,
Cogswell,	Hill,	Millikan,
Conner,	Hynes,	Mitchell,
Cunningham,	King,	Monroe,
Deputy,	Kirkpatrick,	Neff,
Devol,	Knight,	Netherton,

Oatley,	Sayers,	Warrum,
Rawles,	St. John,	Wood,
Rice,	Taughinbaugh,	Woodward,
Ruddell,	Taylor,	Wymer,
Sabin,	Walker,	Zenor,
Snodgrass,	Washburn,	Mr. Speaker—56.

*Those who voted in the negative were, Messrs.*

Biggs,	Guthrie,	Stanley,
Britton,	Holland,	Stephenson,
Defrees,	Kennedy,	Tarlton,
Gentry,	Miles,	Wilson—12.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Clerk inform the Senate of the passage of the bill.

#### HOUSE BILLS ON ENGROSSMENT AND SECOND READING.

House Bill No. 97. Entitled an act to amend section 27 of an act entitled "An act to provide for a general system of common schools, the officers thereof, their respective duties and powers, and matters properly connected therewith," etc.

Which was read a second time.

Mr. Washburn offered the following amendment:

Amend by adding the following section: That when the majority of the school voters of any town, ward or district, petition the trustees or trustee thereof, and said trustee or trustees disregard the prayer of said petitions, and builds a house different from the one described in said petition, the amount of township funds so appropriated may be recovered off said trustees, trustee or their securities, in any court having competent jurisdiction.

Which was not agreed to.

The bill was then ordered to engrossment and third reading.

House Bill No. 85. An act to provide for the sale of lands returned delinquent for the non-payment of taxes, providing for recovery of such taxes, penalty, interest and costs by action in the Common Pleas or Circuit Court, the mode of procedure therein, prescribing the duties of certain officers in relation thereto, the sale by the proper sheriff thereof, conveyance to purchaser, the effect thereof, and what cases, and how redemption thereof may be had, and compensation of the attorney prosecuting in such cases.

Which was read a second time, ordered to be engrossed and passed to a third reading.

House Bill No. 77. An act to amend chapter 7 of the Statutes of Indiana, defining misdemeanors and prescribing punishments therefor, approved June 14, 1852.

Which was read a second time, and passed to its engrossment and third reading.

House Bill No. 83. An act to provide for the protection of shade trees, etc.

Which was read a second time, ordered to be engrossed and passed to its third reading.

House Bill No. 139. Entitled an act for the encouragement of manufacturing, mining, elevating, warehousing, storing and milling in incorporated cities and towns, and exempting the capital employed in operating the same from taxation.

Which was read a second time, ordered to be engrossed and passed to a third reading.

House Bill No. 267. An act to provide for the payment into the general fund of the State Treasury all moneys not needed, belonging to the State Debt Sinking Fund.

Which was read a second time, ordered to be engrossed and passed to its third reading.

House Bill No. 241. Entitled an act to amend section 97 of the act entitled "An act to provide a general system of common schools," etc.

Which was read a second time, ordered to be engrossed and passed to a third reading.



House Bill No. 205. An act releasing the interests of the State of Indiana, by escheat, in the lands formerly owned by Ralph Turner, deceased.

Which was read a second time, ordered to be engrossed and passed to its third reading.

House Bill No. 215. An act supplemental to an act entitled "An act regulating descents and the apportionment of estates," approved May 14, 1852.

Which was read a second time, ordered to be engrossed and passed to its third reading.

Mr. Stephenson moved to make House Bill No. 206 the special order for 10 o'clock to-morrow morning.

Which was agreed to.

House Bill No. 262. An act to amend an act entitled "An act to authorize any person desiring to erect a flouring mill or other machinery to be propelled by water, on his own land, to make a roadway below such mill or machinery through lands belonging to other persons, and to regulate the assessment and payment of damages therefor," being an act supplemental to article 41, chapter 1, of part second of the revised statutes of 1852, approved March, 1853.

Which was read a second time, ordered to be engrossed and passed to its third reading.

House Bill No. 116. An act to amend an act entitled "An act to organize a Supreme Court, and prescribing certain duties of the judges thereof," approved May 13, 1852, creating an additional Judge of Civil Court, and declaring an emergency.

Which was read a second time, ordered to be engrossed and passed to a third reading.

House Bill No. 159. An act to amend section 8, of "An act touching the laying out and vacating towns, streets, alleys, public squares," etc.

Which was read a second time, ordered to be engrossed and passed to its third reading.

The Speaker announced the following special committees:

*On Treasury Report.*

Messrs. McDonald, Stone, St. John, Henderson and Davidson.

*On Court Bill, First Judicial Circuit.*

Messrs. Holland, Deputy, Monroe, Simpson, Bruner and Hartley.

When,

On motion of Mr. Ballenger,

The House adjourned.

## TUESDAY MORNING.

FEBRUARY 14, 1871, 9 O'CLOCK.

The House met.

Prayer by the Rev. Dr. Harper.

The Journal of yesterday was then read in part, when,  
On motion of Mr. Wymer,  
The further reading thereof was dispensed with.

Mr. Cauthorn moved that House Bill No. 43, informally passed over on yesterday, be now read a third time and put upon its passage.  
Which was agreed to.

Engrossed House Bill No. 43. An act to provide for the holding of Roman Catholic Churches, cemeteries, colleges and other property.  
Which was read a third time.

The question being, shall the bill pass?

Mr. Browning moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question recurring on the passage of the bill.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Butterworth,	Cox,
Beeler,	Caldwell,	Cunningham,
Britton,	Cauthorn,	Curtis,
Browning,	Coggsell,	Davidson,
Bruner,	Conner,	Devol,

Donham,	Holland,	Ray,
Gallentine,	Hynes,	Rice,
Gentry,	McDonald,	Simpson,
Goble,	McDowell,	Stanley,
Gordon of Cass,	McFarland,	Stephens,
Guthrie,	McGowan,	Tarlton,
Hardin,	Minick,	Taughinbaugh,
Hartley,	Miles,	Taylor,
Hawley,	Mitchell,	Walker,
Haynes,	Montgomery,	Warrum,
Heilman,	Neff,	Zenor,
Hendry,	Oatley,	Mr. Speaker—53.
Henderson,		

*Those who voted in the negative were, Messrs.*

Ballenger,	Major,	Snodgrass,
Biggs,	Martin of Wayne,	Stephenson,
Calkins of Fulton,	Martin of Putnam,	St. John,
Defrees,	Millikan,	Stone,
Deputy,	Monroe,	Strickland,
Friedley,	Myers,	Washburn,
Gordon of Boone,	Netherton,	White,
Hill,	Rawles,	Williams,
Kennedy,	Rhodes,	Wood,
King,	Ruddell,	Woodward,
Kirkpatrick,	Sabin,	Wymer—35.
Lines,	Sayers,	

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Clerk inform the Senate of the passage of the bill.

Mr. Ballenger presented the petition of sundry citizens of Sullivan county, asking the passage of a law on the subject of temperance.

Which was referred to the committee on temperance.

## REPORTS FROM STANDING COMMITTEES.

Mr. Davidson, from the committee on judiciary, submitted the following report:

MR. SPEAKER:

The committee on judiciary, to whom was referred Petition No. 33, of Lew Wallace and seventeen others, in relation to increasing the salary of judicial officers, have had the same under consideration, and beg leave to report the same back with the recommendation that the subject be indefinitely postponed.

Which was concurred in.

Mr. Rhodes, from the committee on the organization of courts, submitted the following report on House Bill No. 198:

MR. SPEAKER:

Your committee, to whom was referred House Bill No. 198, have had the same under consideration, and direct me to return the same to the House and recommend the following amendments thereto, and when so amended recommend its passage, to wit:

In line 9 of the title of said bill, strike out the words "repealing subdivision first of," and insert in lieu thereof the word "amending."

Also, as a substitute for section 2, insert the following:

That section 70 of an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases, approved June 9, 1852, be and the same is hereby amended so as to read as follows: "SECTION 70. Costs shall follow judgment in the Court of Common Pleas or Circuit Courts on appeals, with the following exceptions: If either party, in whose favor judgment has been rendered, appeal and do not recover at least five dollars more than he recovered before the justice, the appellee shall recover costs in the Court of Common Pleas or Circuit Court."

Which report was accepted.

Mr. Davidson, from the committee on organization of courts, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House Bill No. 81, providing for the abolition of all Criminal Courts in the State, except the counties of Vigo and Marion, have had the same under consideration, and beg to report the same back to this House with the recommendation that it pass.

Which report was accepted.

Mr. McDonald, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

The committee on judiciary, to whom was referred the petition of Joseph Cox and others, in reference to the creation of a board of supervisors to inspect and watch over the condition of the prisons, reformatories and benevolent institutions, have had the same under consideration, and respectfully report the same back with the recommendation that it be referred to the committee on benevolent institutions.

Which was concurred in.

Mr. McDonald, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House Bill No. 229, an act to repeal section 2 of "An act defining certain misdemeanors and prescribing the punishment therefor," approved December 2, 1865, have had the same under consideration, and recommend its passage.

Which was accepted.

Mr. Cauthorn, from the judiciary committee, submitted the following report:

MR. SPEAKER:

The committee on judiciary, to whom was referred House Bill No. 258, an act to amend the 18th section of an act regulating descents, approved May 14, 1852, and validating deeds of convey-

ance made in contravention thereof, have had the same under consideration, and beg leave to report the same back to the House with the recommendation that it lie on the table.

Which report was concurred in.

Mr. Neff, from the committee on judiciary, submitted the following report:

MR. SPEAKER:

Your committee on judiciary, to whom was referred House Bill No. 265, entitled an act to amend section 16 of an act entitled "An act concerning real property and alienation thereof," approved May 6, 1852, have had the same under consideration, and direct me to report the same back with the recommendation that it lie on the table.

Which was concurred in.

Mr. Friedley, from the judiciary committee, submitted the following report:

MR. SPEAKER:

The committee on judiciary, to whom was referred House Bill No. 200, an act to amend the 6th section of article 2 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in an uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852, have had the same under consideration, and beg to report the same back to the House with the recommendation that it pass.

Which report was accepted.

Mr. McDonald, from the committee on judiciary, submitted the following report:

MR. SPEAKER:

The committee on judiciary, to whom was referred House Bill No. 57, entitled an act to amend sections 1 and 2 of an act entitled "An act to amend the 13th and 14th sections of an act entitled 'An act providing for the election and qualification of justices of the

peace, defining their jurisdiction, powers and duties in civil cases,' approved June 6, 1852," approved March 9, 1861, have had the same under consideration, and direct me to report the same back with the recommendation that it pass.

Which was concurred in.

Mr. McDonald, from the judiciary committee, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House Joint Resolution No. 42, in relation to the appointment of three attorneys for the purpose of devising a more economical system of judiciary, etc., have had the same under consideration and report the same back with the recommendation that it lie on the table.

Which was concurred in.

Mr. Friedley, from the committee on judiciary, submitted the following report:

MR. SPEAKER:

The committee on judiciary, to whom was referred House Bill No. 56, entitled an act to amend section 13 of an act entitled "An act providing for the election and qualification of justices of the peace, and defining their powers and duties in civil cases," have had the same under consideration, and respectfully report the same back with the recommendation that it lie on the table.

Which was concurred in.

Mr. St. John, from the judiciary committee, submitted the following report:

MR. SPEAKER:

The committee on judiciary, to whom was referred House Bill No. 49, entitled an act to authorize the collection of debts in the township where contracted, have had the same under consideration, and direct me to report the same back with the recommendation that it lie on the table.

Which report was concurred in.



Mr. St. John, from the committee on judiciary, submitted the following report:

**MR. SPEAKER:**

The committee on judiciary, to whom was referred House Bill No. 211, entitled an act authorizing affidavits made in other States to be sworn to before notaries public, have had the same under consideration, and beg leave to report the same back to the House with the recommendation that it lie on the table.

Which was concurred in.

Mr. McDonald, from the judiciary committee, submitted the following report:

**MR. SPEAKER:**

Your committee, to whom was referred House Bill No. 93, an act to amend section 207 of chapter 1, article 11, of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of the State," etc., have had the same under consideration and recommend its passage.

Which was agreed to.

Mr. Abbett, from the committee on education, submitted the following report:

**MR. SPEAKER:**

Your committee, to whom was referred House Bill No. 148, an act to amend section 1 of an act entitled "An act to authorize township trustees, trustees of incorporated towns, and the common council of cities to levy a tax for school purposes," have had the same under consideration, and recommend that it lie on the table.

Which was concurred in.

Mr. Abbett, from the committee on education, submitted the following report:

**MR. SPEAKER:**

Your committee to whom was referred House Bill No. 128, enti-

tled an act to amend an act entitled "An act to provide for a general system of common schools, the officers thereof and their respective powers and duties, and matters properly connected therewith," etc., have had the same under consideration, and report the same back with the recommendation that it pass.

Which was accepted.

Mr. Ballenger, from the committee on education, submitted the following report:

MR. SPEAKER:

The committee on education, to whom was referred House Bill No. 169, entitled an act to provide for county boards of education for common school purposes, and defining their duties, etc, have had the same under consideration, and beg leave to report the same back with the recommendation that it pass, with the following amendments, to wit:

Strike out the words "teachers in their," in the 15th and 16th lines, and add the following additional section:

SECTION 2. It shall be unlawful for any teacher to introduce any new book as a "text book" in the schools, unless by order of said board of education, and that said board shall meet on the day on which they make their return of enumeration.

Which report was accepted.

Mr. McDonald submitted the following report from the committee on education:

MR. SPEAKER:

Your committee, to whom was referred House Bill No. 117, entitled an act amending section 1 of "An act to authorize township trustees, trustees of incorporated towns, and the common council of cities to levy a tax for school purposes," approved March 9, 1867, have had the same under consideration, and report the same back with the recommendation that it lie on the table.

Which was concurred in.

Mr. Knight, from the committee on banking, submitted the following minority report:

MR. SPEAKER:

The undersigned, a member of the committee on banking, to whom was referred House Bill No. 66, entitled an act to designate the holidays to be observed in the acceptance and payment of bills of exchange and promissory notes, and repealing all laws in conflict with the same, dissenting from the report of the majority, herein respectfully submits this as a minority report in the case, and recommend the passage of said bill by this House.

Which was laid temporarily on the table.

Mr. McDowell, from the committee on banks, submitted the following report:

MR. SPEAKER:

The committee on banks have instructed me to make the following report:

The committee on banks, to whom was referred House Bill No. 66, entitled an act to designate the holidays to be observed in the acceptance and payment of bills of exchange and promissory notes, and repealing all laws in conflict with the same, have had the same under consideration, and are of the opinion that the passage of this act would work no benefit to the people. The banker would charge interest for the remaining time, and we are of opinion that the passage of this bill will only tend to burden the statutes.

We would therefore report back the bill, recommending that it lie on the table.

Which was concurred in.

Mr. Miles, from the committee on banks, submitted the following minority report:

MR. SPEAKER:

Being a member of the committee on banks, to whom was referred House bill No. 66, I dissent from the report of the majority and as a minority of said committee, recommend the following amendment:

In lines 35 and 43, strike out "Saturday preceding," and insert "Tuesday following," and recommend the passage of said bill.

Which was laid temporarily on the table.

Mr. Browning, from the committee on military affairs, submitted the following report :

MR. SPEAKER :

Your committee, to whom was referred House Bill No. 226, an act to protect the flags, colors, standards, guidons, relics and trophies of the State of Indiana, have had the same under consideration, and have directed me to report the same back, recommending its passage.

Which report was accepted.

Mr. Browning, from the committee on military affairs, submitted the following report :

MR. SPEAKER :

Your committee, to whom was referred House Bill No. 227, an act requiring certain officers therein named to perform services without compensation, have had the same under consideration, and beg to report the same back to the House, recommending its reference to the committee on judiciary.

Which was concurred in.

Mr. Stone, from the committee on military affairs, submitted the following report :

MR. SPEAKER :

Your committee, to whom was referred the resolution of Mr. Netherton, of Laporte and Starke, in reference to paying certain recruiting officers therein named, have had the same under consideration, and have directed me to report the same back to the House, with a recommendation that the same lie on the table, believing further legislation on the subject unnecessary.

Which report was concurred in.

Mr. Tebbs, from the committee on claims, snbmitted the following report :

MR. SPEAKER :

Your committee on claims, to whom was referred a concurrent

resolution of the House directing the Treasurer of State to pay to one John Baker the sum of four hundred dollars, for bounty due to the said Baker from the city of Indianapolis, said sum having been paid into bank by the said city of Indianapolis, and after two years paid into the treasury of the State, to the credit of the fund arising from "estates without heirs," &c., have had the same under consideration, and have learned that since the introduction of the resolution, said claim has been satisfactorily adjusted by the Adjutant General of the State. Your committee, therefore, instructs me to return said resolution to the House, with the recommendation that it lie on the table.

Which report was concurred in.

Mr. Zenor, from the committee on claims, submitted the following report:

MR. SPEAKER:

The committee on claims, to whom was referred the resolution in reference to the claim of Preston B. Wilson, for \$227, stolen from him while acting as trustee of a township in the county of Jefferson, has been considered by the committee, and respectfully recommend that the claim be not allowed.

Which was concurred in.

Mr. Coggsell, from the committee on fees and salaries, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House Bill No. 157, an act regulating the fees of certain officers therein named, &c., have had the same under consideration, and have directed me to report the following as a substitute for the same.

Which report was concurred in.

House Bill No. 316, (substitute for House Bill No. 157, introduced by committee). An act regulating the fees of certain officers and persons therein named, and prescribing penalties for the violation of its provisions.

SECTION 1. *Be it enacted by the General Assembly of the State*  
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of *Indiana*, That the persons and officers, in this act named, shall be entitled to receive for their services the fees allowed and set out in this act, subject to the conditions herein, and no others, except otherwise provided by law.

SEC. 2. The fees of the Clerk of the Supreme Court shall be as follows, to wit:

Every writ or process under seal.....	\$1 00
Indorsing on writ of error, or summons under writ of error, that it is to operate as a supersedeas.....	05
Filing each paper in a case.....	05
Copy of a record, or other paper per sheet, of one hundred words, or if the whole number of words in such copy be less than one hundred.....	10
Discontinuance on retraxit.....	10
Bringing a particular record into court, on the request of either party, to be used in the cause.....	25
Entering satisfaction of record.....	10
Receiving and entering verdict.....	10
Entering defendant's appearance.....	05
Entering on docket.....	15
Entering judgment.....	20
Swearing each witness, constable or bailiff.....	05
Making up and entering a complete record, after judgment, per sheet of one hundred words.....	10
Searching the records within one year.....	10
Every year back.....	05
Entering judgment on confession of error, or by default.....	25
Continuing cause.....	20
Every issue joined.....	25
Entering any principal motion.....	10
For each certificate authenticated by the seal of the court.....	50
For receiving and filing each bond, including the approval thereof.....	25
For making out, for publication, each notice to non-resident defendant.....	50
Every one hundred words, contained in any writing, required by law to be done by him, and for which there is no specific allowance.....	10
Indorsing on supersedeas or writ of error, any order of court to the clerk of the inferior court.....	25

Docketing judgments.....	15
Taking bail for stay of execution.....	25
Issuing fee bill for fees not his own.....	50
For services, not especially provided for in this act, such clerk shall be entitled to the same fees as are by law allowed for similar services.	

SEC. 3. The fees of the Clerks of the Circuit Courts for services rendered in said courts, or in any other courts of which they are or may be *ex officio* clerks, shall be as follows, viz. :

For every writ, summons, or other original process.....	50
For filing each paper.....	05
For copy of any paper or record when required, per sheet of one hundred words.....	10
For entering each motion, rule or order.....	10
For entering dismissal of a cause.....	10
For entering satisfaction of a judgment.....	15
For receiving and entering a verdict.....	15
For entering each special finding of the court or jury.....	10
For entering up each judgment.....	20
For each docketing in any of the several dockets required.....	10
For impanneling each jury.....	10
For taxing fees in fee book, per one hundred words.....	10
For administering each oath .....	05
For making complete record, per one hundred words.....	10
For every continuance of a cause.....	20
For each issue joined or tried.....	25
For issuing marriage license, including seal, and filing and recording the return.....	1 00
For recording certificate of an estray.....	50
For taking bail for stay of execution.....	25
For issuing each execution or fee bill.....	50
For each trial of a cause.....	25
For filing and recording a transcript from a justice of the peace to bind real estate.....	50
For each certificate to a person desirous of borrowing school funds, as required by the school laws, to be paid by the person obtaining such certificate.....	50
For each affidavit.....	25
For each certificate and seal, except when required to applica-	

tion of soldiers and seamen in procuring pensions, back pay or bounty.....	50
For certificate and seal to application of soldiers and seamen in procuring pensions, back pay or bounty.....	15
No allowances shall be made to said clerks by said courts or by the Board of County Commissioners, to be paid out of the county treasuries for extra services, except for the following services, to wit:	
For entering each opening or adjourning order, each motion or order of allowance.....	10
For each certificate and seal to copy of allowance.....	50
For attending upon courts for each day after the expiration of the regular term.....	2 00
For issuing each venire.....	50

SEC. 4. The Clerk's fees in criminal proceedings shall be as follows:

Every writ or process.....	50
Taking recognizances.....	50
Making up records or furnishing transcripts thereof, per one hundred words.....	10
Entering each motion, rule, or order of court.....	10
Impanneling and swearing each jury.....	25
Swearing each witness or bailiff.....	05
Filing each paper, other than a subpoena, writ, or other process	05
Receiving and entering a verdict.....	25
Entering defendant's confession.....	25
For services in criminal cases not specially provided for, the same fees as are allowed for similar services in civil causes.	
No allowances shall be made to any clerk of any criminal court, by such court or the Board of County Commissioners, for extra services to be paid out of the county treasury, except as follows:	
For entering each opening or adjourning order, motion, or order of allowance.....	10
For issuing and filing each grand jury subpoena.....	50
For issuing and filing each grand jury or petit jury venire...	50
For certifying under seal to county auditor or treasurer each order of allowance.....	50
For making records of reports of grand jury, per one hundred words.....	10



For recording transcripts of opinions of Supreme Court, in cases where the defendant is successful in his appeal to the Supreme Court, per one hundred words.....	10
For recording each indictment in cases where the cause is dismissed by the prosecuting attorney.....	50

SEC. 5. The Clerk's fees, in relation to estates and guardianship, shall be as follows:

For letters of administration or guardianship.....	\$1 00
Proving a will and indorsing certificates thereon, together with codicils thereto.....	1 00
Giving each notice required by law.....	50
Recording wills and making all records, and making all copies of the same, per one hundred words—four figures to be counted as a word.....	10
For each writ or other process, and filing same.....	50
For bond of administrator, executor or guardian, and filing same.....	1 00
For all copies, per one hundred words.....	10
For each oath.....	05
For each motion, rule, or order.....	10
For examination of each report of administrator, executor or guardian.....	50
For each affidavit.....	25
For each docketing on appearance, court, bar, or allowance docket.....	10
For each certificate and seal.....	50
For making up entries, orders, and records not herein otherwise provided—for each one hundred words.....	10
For all services required to be performed by the clerk in the trial of each claim contested by an administrator, executor, or a guardian, the same fees as are allowed for similar services in civil causes.	
For all services not especially provided for in this act, the clerk shall be allowed the same fees as are by law allowed for similar services.	

SEC. 6. The Sheriff's fees shall be as follows:

For serving a writ and taking into custody.....	50
For every mile necessarily traveled in going and returning to serve process.....	10

Taking bail.....	25
Taking recognizance and drawing it up in form.....	50
Summoning a jury for each person named in the venire and mileage as above.....	50
Executing a writ of possession.....	1 00
Serving a summons, subpœna, order, or notice.....	50
Attending a prisoner before a judge, when surrendered by his bail, and receiving the prisoner into custody.....	50
Selling property on execution, a commission of five per centum on the first three hundred dollars, and one per centum on any excess above that amount; but when the money is paid to him without sale, one-half the above commission only shall be allowed.	
Taking a valuation of lands.....	75
Taking a replevin or delivery bond.....	75
Serving a capias satisfaciendum.....	1 00
Levying on property and advertising the same without sale...	1 00
And also the necessary printer's bill, not exceeding one dollar per square, mileage as above when no money is made, and no other fee or reward shall be allowed on execution, except for the expense of keeping property.	
Making a deed of sale of real estate on execution, including certificate of sale.....	2 00
Serving a writ of attachment.....	50
Returning a writ of attachment.....	25
Sheriffs shall not be entitled to any fees for services performed by their bailiffs, when such bailiffs are receiving pay by the day from the county at the time such services are rendered.	
When the sheriff is provided by the county commissioners with a dwelling-house in the building containing the jail, he shall not be allowed exceeding sixty-five cents per day for boarding each prisoner.	
When not so provided.....	75
In criminal cases not provided for, the like fees as for services in civil cases, to be collected only off the defendant.	
For collecting fee-bills, five per centum on the amount thereof.	
For taking convicts to a State prison, and all expenses incident to the same, per mile, for going and returning, to be paid out of the State Treasury.....	15
For each additional convict taken at the same time, per mile..	10
For taking a prisoner to another county, for distance actually	

traveled, in going to and returning, to be paid by the treasurer of the county to which said prisoner is taken, on the warrant of the auditor of said county, per mile..... 15

SEC. 7. The fees of the Secretary of State shall be as follows, to wit:

For recording each bond.....	2 00
For copies of all records, laws, and papers, per one hundred words.....	10
For each certificate authenticated by the Seal of the State, except attestation of acts of Governor and certificates furnished to other States.....	1 00
For issuing a notarial commission.....	1 00
For issuing a commission to commissioner of deeds.....	2 00

Such fees to be paid by the person for whom the services are rendered: *Provided, however,* That such Secretary shall in no case be entitled to any fees above provided when the services rendered are for this or other State, or any county, or the officers thereof.

SEC. 8. The fees of the County Recorder shall be as follows, to wit:

For recording deeds and mortgages, and the acknowledgements thereof.....	\$1 00
For certificate not under seal, and acknowledgement of deeds and mortgages.....	25
For certificate and seal.....	50
For recording all other instruments, and giving certified copies of records, per one hundred words.....	10
For recording town plats, the first one hundred lots or under..	2 00
Each additional lot.....	01
For services not specially provided for in this act, the recorder shall be allowed the same fees as are by law allowed for similar services.	

The recorder is authorized to issue fee-bills, for his own fees, according to the laws authorizing the issuing of fee-bills.

SEC. 9. County Auditors' fees shall be as follows, to wit:

For all records, copies and other writings, per hundred words, counting four figures as one word.....	10
For all figures necessary in computing taxes, additions and	

calculations, per hundred words, counting two figures as one word.....	10
Each tax deed, to be paid by the person receiving such deed..	75
Each county order issued.....	05
For filing each paper.....	03
For each tax certificate, to be paid by person receiving it.....	50
For each assignment of tax and school certificate, and recording same, to be paid by assignor.....	50
Each other administered.....	05
Each certificate and seal to be paid by the person requesting the same.....	50
Each merchants' or other license, to be paid by party to whom issued.....	50
Each tract or parcel of land sold for taxes, to be paid by purchaser.....	10
Writing any affidavit, necessarily connected with the business of his office, and swearing affiant.....	25
Registering each receipt given by county treasurer for money	05
Each bond taken, in discharge of his official duties.....	30
Each quietus for land redeemed, to be paid by person redeeming	25
Each quietus for treasurer's receipt.....	05
Each writ, notice or process, required to be under seal.....	50
If not under seal.....	25
For each day on board of equalization, the same per day as is allowed to township assessors.	
For each entry and transfer of real estate, to be paid by person requesting the same, for the first tract described in each deed .....	15
For each subsequent tract or lot described in each deed.....	10
In trials, before the board of commissioners, the auditors shall be entitled to the same fees as are allowed clerks of the Circuit Court for similar services; when no specific fee is fixed, in this act, for services required, shall be paid by the county, or individuals, as the right of the case may be, as such board or court may order.	
For the management of the school fund, such fees as are now allowed by the school law.	

SEC. 10. The County Treasurer's fees shall be as follows, to wit:

For collecting taxes, four per centum on all sums up to twenty-five thousand dollars.

Two per centum on all sums over twenty thousand dollars and up to forty thousand dollars.

One per centum on all sums over forty thousand dollars.

Two per centum for securing and paying out all the moneys other than tax and school funds.

For every mile traveled in going and returning to make settlement with the Auditor and Treasurer of State..... 05

For each parcel or tract of land sold for taxes..... 10

For collecting delinquent taxes the treasurer shall, in addition to the above fees, be allowed ten per centum, which shall be added to the taxes and collected off the delinquent, and twenty-five cents for making demand of such delinquent tax payer.

No extra allowance or compensation shall be made to the treasurer by the board of county commissioners, nor shall it be lawful for the treasurer to retain or charge any fees or compensation other than above enumerated, except as provided by the school law now in force.

SEC. 11. County Commissioner's fees shall be as follows, to wit:

For each day's attendance as a member of the county board, or of the board of equalization, each commissioner shall receive.....\$3 00

SEC. 12. The County Surveyor's fees shall be as follows, to wit:

For every corner by him located or perpetuated..... 1 00

For every line run in dividing and running up sections, or parts of sections, per mile..... 1 00

When more than four corners are to be perpetuated at the same time in the same section, for each additional corner only..... 50

For going to and returning from a survey, per mile..... 05

Attending court, per day..... 1 25

Surveying a town lot..... 1 00

Every additional lot, at one time..... 25

Running a division line, one mile or under..... 1 00

For every survey by him, plainly bounded, as the law directs, and for a plat of such survey after the delivery of such plat, when the survey shall not exceed over four hundred acres..... 3 00

For every hundred acres of land contained in one survey, above four hundred acres.....	25
Surveying an acre of land, or under.....	1 50
Services in locating roads by authority of law, per day.....	2 50
Copy of plat of land or certificate of survey.....	25
Making out a complete report made of survey of any road, including field notes, etc.....	50
If such survey exceeds five miles.....	1 00
In all surveys made by authority of the board of county com- missioners or township trustees, chain bearers or axmen shall receive, per day.....	1 00

SEC. 13. The Prosecuting and District Attorneys' fees shall be as follows, to wit:

Docket fee or plea of guilty.....	\$3 00
Docket fee before a justice of the peace.....	3 00
Docket fee in divorce cases, where successfully resisted.....	5 00
Docket fee upon forfeited recognizance, when he prosecutes to final judgment against the defendant, with five per centum on money collected.....	5 00
Docket fee on plea of not guilty.....	5 00
In all other cases not specified, when the prosecuting or dis- trict attorney is required to prosecute or defend, the fee-bill shall be.....	5 00

SEC. 14. The Constable's fees, in civil cases, shall be as follows, to wit:

For serving summons or warrant on each person named therein	25
For every mile traveled in going and returning to serve pro- cess or subpoena.....	05
When two or more are named in such process, mileage shall be allowed for the distance necessarily traveled.	
A copy of the process left at the defendant's residence.....	25
Serving subpoena for each person therein named.....	20
Returning each writ.....	10
Bail bond.....	25
Serving execution, and mileage as above.....	25
Commitments to prison.....	50
Sale of goods when the amount of goods does not exceed six dollars.....	25

On all sums above six dollars, five per centum. On all sums collected on execution without sale, half the above commission.

Returning execution.....	10
Summoning a jury in any case.....	50
Attending jury trial.....	35
Posting up advertisements of sale.....	30

SEC. 15. Constables' fees, in criminal cases, shall be as follows, to wit:

For serving a warrant on each person named therein.....	50
Serving subpœna.....	20
Traveling to serve process, per mile.....	05
Attending examination or trial of a person charged with a crime or misdemeanor.....	25
If more than one person, in addition, for each.....	10
Commitment of each person to prison.....	50
And for each mile necessarily traveled.....	05
For services not herein enumerated, the same fees as in civil cases.	

SEC. 16. The fees of Justices of the Peace shall be as follows, to wit:

For each summons or capias.....	25
Every examination on a criminal information on oath.....	50
Swearing each witness.....	05
Every warrant in a criminal case.....	25
Every trial on complaint for unlawful detention of lands or tenements.....	1 00
Issuing every attachment for contempt.....	25
Taking an acknowledgment of a deed, mortgage, or power of attorney.....	25
Order for relieving a pauper.....	25
Order for removing a pauper.....	50
Certifying a description of a boat adrift or an estray.....	25
Warrant or certificate of appraisement.....	25
Taking and certifying depositions.....	25
For each one hundred words therein contained more than one hundred.....	10
For each process required by law, and not herein enumerated..	20

For every writing or record not herein provided, for every one hundred words.....	10
Every trial.....	25
For certifying copies of all proceedings, for each one hundred words.....	10
Entering continuance of a cause.....	10
Every bond or recognizance.....	25
Every venire for summoning a jury.....	25
Each transfer, assignment, or docket of judgment.....	25
Issuing execution.....	25
Subpœna for witnesses, to include all that are called for at one time.....	25
Administering each oath required by law, and not herein enumerated.....	05
Rendering every final judgment.....	25
Trial of rights of property and judgment.....	50
Swearing jury.....	10
Making up docket, for every one hundred words.....	10
Each writ of attachment against property.....	50
Making return of fines to the court, for each mile necessarily traveled, to be paid by the county.....	05
Transmitting papers in cases of appeal.....	25
Writing an affidavit.....	25

SEC. 17. The fees of jurors shall be as follows, to wit :

Every juror sworn in the Circuit Court, Court of Common Pleas, or Criminal Court, to be paid out of the county treasury, per day.....	\$2 00
Every grand juror sworn, for his services as such, to be paid by the county, per day.....	2 00
Every grand or petit juror, for each mile traveled in going to and returning from court, shall receive, to be paid by the county.....	05
Every juror, for attending a trial, per day, before a justice of the peace, to be taxed with the costs of suit.....	1 00
Every juror, in each action in the Supreme Court, to be taxed against the party failing in the suit.....	2 50
For every mile actually traveled in going to and returning from court.....	05



SEC. 18. Witness' fees in the Supreme, Circuit, and Criminal Courts, and Courts of Common Pleas, shall be as follows, to wit:

To every witness attending in his own county, on trial, per day.....	\$1 00
To every witness attending from another county, per day.....	1 00
To each witness subpœnied in the county, and detained from another county, each day.....	1 00
For every mile necessarily traveled in going to and returning from court, from his place of residence, not to be compelled beyond the limits of adjoining county, each witness shall receive.....	04

SEC. 19. Witness' fees before a justice shall be as follows, to wit:

Attending, per day.....	50
Witnesses shall claim their fees on the day of trial, before the judgment docket is signed by the justice.	

SEC. 20. The fees of Notaries Public and Commissioners shall be as follows, to wit:

For each certificate and seal.....	50
Taking depositions or other writings, for each one hundred words.....	10
Administering an oath.....	10
For each protest.....	50
Each notice thereof.....	25
When required, for each one hundred words, in recording or copying such protest.....	10
Taking acknowledgment of deed, mortgage, power of attorney, or other written instrument.....	25

SEC. 21. The fees of Coroners shall be as follows, to wit:

Impanneling and swearing a jury and witnesses, and making and returning inquisition, for the view of each body, per day.....	\$5 00
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SEC. 22. Township Trustees', Clerks' and Treasurers' fees shall be as follows, to wit:

For each day's actual service they shall be allowed, to be paid out of the township fund.....	\$2 50
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SEC. 23. In all cases hereafter, when jurors are impaneled by any coroner for the purpose of holding an inquest, each juror shall be entitled to seventy-five cents for each day he shall serve as such, to be certified by the coroner.

SEC. 24. All fees of inquest shall be paid out of the property of the deceased person, if there be so much belonging to such deceased; if not, then out of the county treasury.

SEC. 25. In all criminal cases where the person accused shall be acquitted, no costs shall be taxed against such person, nor against the State or county, for any services rendered in such prosecution, by any clerk, sheriff, coroner, justice of the peace, constable, or witness, but in all cases of conviction, such fees and costs shall be taxed and collected, as in other cases, from the person convicted.

SEC. 26. Witnesses shall claim their fees at each term, as they attend, and not afterwards, and clerks shall note such fees at the time they are claimed; and the sheriffs and coroners are hereby required to indorse upon all process directed to them their fees at full length, and all clerks shall, in a book to be kept for that purpose, enter all the fees as the services are rendered, and the Clerk of the Supreme Court, or of any Circuit or Common Pleas Court, shall have power while he is in office, to issue fee bills from the books aforesaid, and the records and papers on file in his office for services rendered by himself, or for services rendered by any other person in said courts, at any time after such services are rendered.

SEC. 27. No action shall be maintained on any fee-bill due to any person so long as the party owing shall reside within the jurisdiction of the court issuing the same.

SEC. 28. Each Circuit Court or Court of Common Pleas, or a judge thereof, in vacation, or a justice of the peace, as the case may be, if a question arises concerning any bill of costs, or if the person charged therewith shall allege payment thereof, shall, upon motion of any party interested therein, and reasonable notice thereof, determine according to the rights of the parties thereto, and make orders accordingly; and whenever there shall appear a claim for official services rendered by any officer of a court of justice, and there does not appear to be any fees fixed by law as a compensation therefor, the court, judge, or justice, on application, shall make an order specifically fixing the allowance for such claim.

SEC. 29. After five years from the termination of any suit in which services have been rendered, no fee-bill shall issue for such services until the party claiming the same shall give five days' notice in writing to the party charged, to appear before the court in which the fees accrued, or the judge thereof in vacation, or a master in chancery, or a justice of the peace, as the case may be, to show cause against the issuing thereof; and then if no sufficient cause be shown, the court, judge, master in chancery, or justice of the peace, as the case may be, shall order the said fee bill to be issued.

SEC. 30. The board of commissioners of each county shall furnish the necessary records, books, fuel, lights, and stationery, for the offices of the auditor, treasurer, recorder, sheriff, and the clerk of the Circuit and Common Pleas Courts of their respective counties, at the expense of such county, and shall also provide safe and suitable offices for such officers.

SEC. 31. The Secretary, Auditor, and Treasurer of State shall furnish, at the expense of the State, the necessary record books and stationery for the offices of the Secretary, Auditor, and Treasurer of State, and Clerk of the Supreme Court, and fuel and stationery for the use of the General Assembly.

SEC. 32. Every fee-bill shall be made out in words, at full length, and figures, with a statement of each item in plain phraseology, and each officer may, at the foot of any of his fee-bills, make out a madate to the proper officer, commanding him to collect the same as required by law, and make due return thereof, and shall sign the same; and from the time such fee-bill shall come into the hands of such collecting officer, it shall have the force and effect of an execution from the Circuit Court, and shall be treated as such, and shall operate as a lien upon the personal and real estate of the debtor, except as to the fee-bills of justices of the peace, constables, and township officers, which shall be treated as and have the force and effect of executions issued by justices of the peace; *Provided*, No fee-bill shall be so collected, unless issued in the manner above provided, within six years next after the services were rendered.

SEC. 33. Any successor of such officer may issue the fee-bills of his predecessor or predecessors in office, in the manner provided for in the foregoing sections; *Provided* such fee-bills are issued within six years next after the services are rendered. Any clerk of a Cir-

cuit Court, or Court of Common Pleas, may issue the fee-bills of the sheriff or former sheriffs of his county; and any justice of the peace may issue the fee-bills of a constable, or former constables, of his township; *Provided* the same is done in the manner and within the time specified in the foregoing section.

SEC. 34. It shall be the duty of each clerk and sheriff, of the several counties in this State, within twenty days from the expiration of his term of office, to pay over to his successor in office, all moneys of every description, to whomsoever due, remaining in his hands at the expiration of such term, taking the receipt of such successor therefor; and such successor, and his sureties, shall be bound therefor upon his bond, as if the same had been originally collected by him; and any clerk or sheriff failing so to pay over such moneys to his successor, such successor shall, at the first term of any court of competent jurisdiction after such failure, proceed to collect the same by suit upon the bond of such predecessor; and the sureties upon the bond of such predecessor, shall be jointly liable with the principal. Such suits shall be instituted in the name of the State of Indiana, on the relation of such successor.

SEC. 35. It shall be the duty of every recorder in the several counties of this State, at the expiration of his term of office, to deliver over to his successor in office all deeds, mortgages, or other instruments left for record, remaining in his hands at the expiration of such term, whether the fees for recording the same have been paid or not; and it shall be the duty of all ex-recorders who have withdrawn such deeds, mortgages, or other instruments from the recorder's office, to deliver the same to his successor in office, or the recorder of said county, where such deeds, mortgages, or other instruments shall be at all times kept, until paid for and withdrawn by the parties entitled thereto; but such retiring recorder may have fee-bills delivered to him for any such deeds, mortgages, or other instruments on which he has fees for recording the same remaining unpaid.

SEC. 36. The act entitled "An act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855, and all acts amending the same, and all other acts which are in conflict with the provisions of this act, are hereby repealed; but all fees heretofore legally taxed under such acts may be collected by the officers entitled thereto, as if said acts had not been repealed.

SEC. 37. Whereas, an emergency exists for the immediate taking effect of this act, the same shall therefore take effect and be in force from and after its passage.

Mr. Martin of Putnam, from the committee on fees and salaries, submitted the following report:

MR. SPEAKER:

The committee on fees and salaries, to whom was referred House Bill No. 55, entitled "An act regulating the fees of clerks and sheriffs of the several counties of this State, providing for the taxing of costs in certain cases, and prescribing penalties for the violation of this act, and regulating the appointment of bailiffs," have had the same under consideration, and direct me to report it back, with the recommendation that it be indefinitely postponed.

Which report was concurred in.

Mr. Stephenson, from the committee on fees and salaries, submitted the following report:

MR. SPEAKER:

The committee on fees and salaries beg leave to report that they have considered House Bill No. 7, regulating the salaries of officers, and recommend that it lie on the table, as they have reported substitutes for the bills referred to them.

Which was concurred in.

Mr. Britton, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House Bill No. 158, have instructed me to report the following amendments, to wit:

In line two, strike out the word "male."

In line four, strike out the word "or," and after highway insert the words "or elsewhere," and when so amended, recommend its passage.

Which report was accepted.

Mr. Neff moved that the special order for ten o'clock of this morning be postponed to ten o'clock to-morrow morning.

Which was agreed to.

Mr. Browning, from the committee on railroads, submitted the following report:

MR. SPEAKER:

The committee on railroads, to whom was referred the petition of D. B. Shank and others, in relation to taxing railroads, and repealing the law authorizing aid to railroads, have had the same under consideration, and beg leave to report the same back to the House, recommending it lie on the table.

Which was concurred in.

Mr. Browning, from the committee on railroads, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House Bill No. 257, "An act to revise and amend an act entitled 'An act to provide compensation to the owners of animals killed or injured by the cars, locomotives, or other carriages of any railroad in this State,' approved March 4, 1863, and for the better protection of railway fences and grounds, and prescribing the penalty for interfering therewith," have had the same under consideration, and report the same back with the recommendation that it pass.

Which was concurred in.

Mr. Browning, from the committee on railroads, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred the petition of David Rippey and others, in reference to the Goshen, Warsaw and White Pigeon railroad, have had the same under consideration, and herewith report the same back with the recommendation that it lie on the table.

Which was concurred in.

Mr. Woodward, from the committee on railroads, submitted the following report:

MR. SPEAKER:

The committee on railroads, to whom was referred House Bill No. 239, have had the same under consideration, and beg leave to report the same back, with the recommendation that it pass.

Which was accepted.

Mr. Ray, from the committee on railroads, submitted the following report:

MR. SPEAKER:

The committee on railroads, to whom was referred House Bill No. 238, entitled "An act to extend the time for the completion of railroads in cases in which the time has heretofore been extended and the roads are not yet finished," have had the same under consideration, and beg leave to report the same back, with the recommendation that it pass.

Which was accepted.

Mr. McDonald, from the committee on railroads, submitted the following report:

MR. SPEAKER:

The committee on railroads, to whom was referred House Bill No. 111, entitled an act to repeal "An act to authorize aid to the construction of railroads by counties and townships taking stock, and making donation to railroad companies," have had the same under consideration, and beg leave to report the same back to the House, with the recommendation that it be indefinitely postponed.

Mr. Davidson moved that the report be made the special order for Wednesday, February 22d, at 10 o'clock A. M.

Mr. Browning, from the committee on railroads, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House Bill No. 64, an act to amend sections 1 and 2 of an act entitled "An act to authorize aid to the construction of railroads by counties and townships taking stock in, and making donations to, railroad companies," approved May 12, 1869, have had the same under consideration, and herewith report the same back with the recommendation that it be indefinitely postponed, together with the amendments.

Mr. Millikan moved to recommit the bill to the committee on rights and privileges.

Which was agreed to.

Mr. Browning, from the committee on railroads submitted the following report:

MR. SPEAKER:

The committee on railroads, to whom was referred House Bill No. 12, entitled an act repealing an act entitled "An act to authorize aid to the construction of railroads by counties and townships taking stock in, and making donations to, railroad companies," approved May 12, 1869, have had the same under consideration, and direct me to report the same back, with the recommendation that it lie on the table.

Which report was concurred in.

Mr. Zenor, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House Bill No. 272, being an act regulating the fees of justices of the peace, have had the same under advisement, and have directed me to report the same back, with the recommendation that it lie on the table.

Which was not concurred in.



Mr. Donham, from the committee on agriculture, submitted the following report:

MR. SPEAKER:

The committee on agriculture, to whom was referred House Bill No. 308, entitled an act appointing commissioners to visit the fish ponds of James T. Campbell, to ascertain the extent of this enterprise, and to inquire into the expediency of assisting him by an appropriation, and also the petition of citizens of Washington and adjoining counties on the same subject, have had the same under consideration, and would respectfully recommend that the bill be indefinitely postponed.

Which was concurred in.

Mr. Rice, from the committee on temperance, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House Bill No. 46, herewith return the same, with the recommendation that it lie on the table.

Which was concurred in.

Mr. Britton, from the committee on roads, submitted the follow-

MR. SPEAKER:

Your committee on roads, to whom was referred House Bill No. 247, entitled an act allowing turnpike companies, in this State, to charge toll when one mile of their road is completed, and declaring an emergency, have instructed me to report that they have had the same under consideration, and recommend that the same be indefinitely postponed.

Which was concurred in.

Mr. Tarlton, from the committee on roads, submitted the following report:

MR. SPEAKER:

Your committee on roads, to whom was referred House Bill No.

219, entitled an act to amend the sixteenth section of "An act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," approved March 5, 1859, have had the same under consideration, and recommend that the same be indefinitely postponed.

Which was concurred in.

The Speaker announced the following special committee on the apportionment bill:

Messrs. Cauthorn, McDonald, Wood, McDowell and Gordon of Boone.

Mr. Mack presented the memorial of the representatives of Western Yearly Meeting of Friends, on the subject of prison discipline.

Which was,

On motion,

Referred to the committee on temperance.

Mr. Martin of Putnam, from the committee on fees and salaries, submitted the following report:

MR. SPEAKER:

Your committee on fees and salaries, to whom was referred House Bill No. 44, an act regulating the fees of certain officers therein named, etc., have had the same under consideration, and have directed me to report the same back, with the recommendation that it be indefinitely postponed.

Which was concurred in.

The Speaker laid before the House the report of the Chaplains of the State Prison.

Mr. Taylor offered the following resolution:

*Resolved*, That the committee on claims be instructed to inquire and report whether either of the parties to the contested election case of William B. Walters vs. Robert S. Taylor, is entitled to any allowance, per diem, or mileage, and if so, how much.

Which was agreed to.

Mr. Mitchell introduced

House Bill No. 317. Entitled an act for the relief of Emsley Wilson, declaring the title of the State of Indiana to lot 59, west of the State University, belonging to the Reserved or Seminary township, in Monroe county, to be in said Wilson, his heirs and assigns, that the act be in lieu of a deed from the State, that the same shall convey to him and his heirs and assigns all the title of the State in said lot; that an emergency exists, and that the act take effect upon its passage and approval.

Which was read a first time, and,

On motion,

Referred to the committee on the judiciary.

Mr. Mitchell introduced

House Bill No. 318. Entitled an act to amend section 4 of an act entitled "An act to regulate and license the sale of spirituous, vinous, malt and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws contravening the provisions of this act, prescribing penalties for the violations thereof."

Which was read a first time, and,

On motion,

Referred to the committee on temperance.

Mr. Mitchell introduced

House Bill No. 419. An act to provide for appeal from the grant of license to retail intoxicating liquors by the board of commissioners, the giving of bonds therefor, and the speedy trial thereof, and the manner of such trial.

Which was read a first time, and,

On motion,

Referred to the committee on temperance.

Mr. Mack presented the memorial of the representatives of Western Yearly Meeting of Friends, in reference to divorces.

Which was,

On motion,

Referred to the judiciary committee.

Mr. Taylor introduced

House Bill No. 320. Entitled an act requiring railroad companies and other corporations and persons manufacturing for sale or selling machinery or other property, to list the same for taxation as other manufactures, and declaring an emergency.

Which was read a first time, and,

On motion,

Referred to joint committee on equalization of taxes.

Mr. Taylor introduced

House Bill No. 321. An act in relation to the collection of delinquent taxes, and requiring county treasurers to assign reasons for a failure to collect such taxes, and support such reasons by affidavit, and providing penalties for its violation.

Which was read a first time, and,

On motion,

Referred to the committee on county and township business.

Mr. Taylor introduced

House Bill No. 322. An act to authorize the killing of useless and sheep-killing dogs, and providing for the discharge of taxes assessed the owners of dogs by the killing of such dogs.

Which was read a first time.

Mr. Cunningham moved the bill be rejected.

Which was not agreed to.

When the bill was referred to the committee on agriculture.

Mr. Taylor introduced

House Bill No. 323. Entitled an act to authorize the incorporation of associations for the erection of buildings, or the purchase, improvement and sale of real estate.

Which was read a first time, and,

On motion,

Referred to the committee on corporations.

Mr. Mack presented a petition from sundry citizens on the subject of divorce laws.

Which was,

On motion,

Referred to the committee on judiciary.

Mr. Gordon, of Boone, offered the following resolution :

*Resolved*, That the committee on temperance be instructed to inquire into the expediency of enacting a law requiring the consumers of, as well as dealers in, intoxicating liquors to take out license, and report by bill or otherwise.

Which was agreed to.

Mr. Minick introduced

House Bill No. 324. An act to provide for the appraisement and assessment of real property where the same has been improperly appraised by mistake or otherwise.

Which was read a first time, and,

On motion,

Referred to the judiciary committee.

Mr. St. John introduced

House Bill No. 325. An act to amend section two of an act entitled "An act declaratory of the law regulating marriages, and enforcing the provisions thereof by proper penalties," approved March 5, 1852.

Which was read a first time.

Mr. Hendry introduced

House Bill No. 326. An act declaring certain property belonging to fire insurance companies exempt from sale or execution.

Which was read a first time, and passed to its second reading.

Mr. Wilson introduced

House Bill No. 327. An act limiting the jurisdiction of the Court of Common Pleas, in counties where a Superior court is organized, and in reference to the selection of a petit jury therein.

Which was read a first time.

Mr. Cunningham introduced

House Bill No. 328. An act to amend the first section of an act entitled "An act to amend section one of an act entitled 'An act relative to the salaries of public officers, and providing the manner of paying the same, and the manner of reimbursing the State for an increase of salaries,'" Approved March 5, 1859, which amending act was approved March 4, 1865.

Which was read a first time, and,  
On motion,  
Referred to the judiciary committee.

Mr. Copner introduced

House Bill No. 329. An act supplemental to an act entitled "An act to regulate and license the sale of vinous, malt, and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws containing the provisions of this act, and prescribing penalties for the violation thereof, approved March 5, 1859, providing penalties against minors for obtaining intoxicating liquors under false pretenses as to their age, and providing penalties against persons who shall, upon the Sabbath day, purchase any intoxicating liquors, and to regulate the granting of license to sell intoxicating liquors in incorporated cities and towns."

Which was read a first time, and,  
On motion,  
Referred to the committee on temperance.

Mr. Copner presented the petition of sundry citizens of Montgomery on the subject of prison reform.

Which was,  
On motion,  
Referred to the committee on benevolent institutions.

Mr. Copner presented the petition of sundry citizens of Montgomery county, on the subject of repeal or modification of the divorce laws.

Which was,  
On motion,  
Referred to the judiciary committee.

Mr. Major introduced

House Bill No. 330. An act regulating the manner of paying the per diem of township trustees, township assessors, and supervisors of highways.

Which was read a first time, and,

On motion,

Referred to the committee on county and township business.

Mr. Major offered the following preamble and resolution :

WHEREAS, It appears from the report of the Superintendent of Public Instruction, that more than three hundred thousand of the children of school age in this State, do not attend the common schools, and,

WHEREAS, The cost of educating the few is as great as educating the many ; therefore, be it

*Resolved*, That the committee on education be instructed to inquire into the expediency of compelling by law a more thorough attendance of the children of this State upon the common schools, and that they report by bill or otherwise, at their earliest convenience.

Which was,

On motion,

Referred to the committee on education.

Mr. Major presented a petition from sundry citizens on the subject of temperance.

Which was,

On motion,

Referred to the committee on temperance.

Mr. Holland introduced

House Bill No. 331. An act to amend section thirteen of an act, entitled, "An act to provide for the election and qualifications of justices of the peace, and defining their jurisdiction, powers, and duties in civil cases," approved June 9, 1852.

Which was read a first time, and,

On motion,

Referred to the committee on county and township business.

Mr. Coggs well introduced

House Bill No. 332. An act to regulate the fees of county officers, fixing the amount to be retained by each, providing for the payment of any excess into the county treasury, defining constructive fees and making the taxing or collecting thereof a misdemeanor.

Which was read a first time and passed to its second reading.

Mr Calkins of Porter introduced

House joint resolution No. 16. WHEREAS, the present system of buying in Government bonds by the Secretary of the Treasury, has produced and is still producing great stringency in the circulation of money in the West, and tends to the centralization and hording of capital in the East, and

WHEREAS, The only remedy which will speedily release the people of the West from such unjust burden within the immediate reach of Congress is, the removal of all restraints against the organization of other and a greater number of National Banks, therefore, be it

*Resolved, by the Senate and House of Representatives, That our Senators and Representatives in Congress, be instructed to use their influence to remove all restrictions against the organization of an unlimited number of National Banks, and allowing as many to be organized as the business of the country may require under proper and wholesome laws for the protection of the citizens.*

*Resolved, That the Governor be requested to forward a copy of these Resolutions to each of our Senators and Representatives in Congress.*

Mr. Mitchell moved to lay the resolution on the table.

Which was not agreed to.

When the joint resolution was,

On motion,

Referred to the committee on federal relations.

Mr. Neff introduced the following preamble and resolution :

WHEREAS, The Superintendent of Public Instruction on page 62 of his last report says, "That there is pending in the Senate of the



United States, a Bill for an appropriation by the general Government to the State of Indiana in payment of interest and discount on the war bonds of the State, which were put upon the market in relief of the general Government in the year 1862. It is confidently believed that from four to six hundred thousand dollars can be realized from this source, which would be a fit tribute to a cause which of all others is most perpetual in good results. Therefore, be it

*Resolved*, That the committee on ways and means be instructed to report a bill, converting such sum to the common school fund, and making it a part of the same.

Which was agreed to.

Mr. Simpson introduced

House Bill No. 333. An act to incorporate the Jefferson Insurance Company of the city of Madison.

Which was read a first time, and,

On motion,

Referred to the committee on insurance.

Mr. Netherton offered the following resolution :

*Resolved*, That the committee on claims is hereby instructed to inquire into the facts, and report to this House, as to whether there is yet remaining due to Hon. Samuel Beatty, a member of the House of Representatives during the Forty-sixth session of the General Assembly, any claims for just allowance due him for expenses incurred by him, incident to his contest of the seat of Hon. James Peele, in this branch of the General Assembly, which seat was by a vote of this House, accorded to said Hon. Samuel Beatty.

Which was,

On motion,

Referred to the committee on claims.

Mr. Ray introduced

House Bill No. 334. An act to exempt from assessment and taxation, promissory notes executed in consideration of the sale of real estate in certain cases.

Which was read a first time, and,

On motion,

Referred to the judiciary committee.

Mr. Oatley offered the following preamble and resolution:

WHEREAS, James F. Campbell, a citizen of Washington county, claims to have demonstrated the fact, that the valuable fish known as trout, can be produced in this State, and

WHEREAS, If such be the facts, this State should offer such aid as would forward and protect the enterprise, therefore,

*Resolved*, That a committee of three members of this House be appointed by the Speaker, to visit the premises of the said James F. Campbell, and report to this House as to the practicability of the plans of the said Campbell, provided said Campbell shall pay the expenses of said committee.

A message from the Governor by John M. Commons, his Private Secretary.

EXECUTIVE DEPARTMENT,  
INDIANAPOLIS, February 13, 1871.

MR. SPEAKER:

I am directed by the Governor to respectfully inform the House that he has approved and signed enrolled act No. 10, entitled an act to amend section 1 of an act entitled an act to amend section 43 of an act entitled "An act providing for the settlement of decedents' estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved February 19, 1869.

Also, enrolled act No 2, entitled an act to amend sections 4 and 6 of an act entitled "An act prescribing the powers and duties of coroners," approved May 27, 1852, and providing for an emergency.

Also, enrolled act No. 11, entitled an act fixing the beginning of the terms of the Courts of Common Pleas in the county of Dearborn, in the Fifth Judicial District.

Also, enrolled act No. 268, entitled an act to provide for changes of venue from criminal courts, and legalizing changes already granted.

And that said several acts have been deposited in the office of the Secretary of State.

Mr. McDowell offered the following preamble and resolution :

WHEREAS, There is supposed to be a surplus existing in the swamp land fund of the State of Indiana, therefore

*Be it Resolved*, That the committee on ways and means be instructed to examine into the condition of said swamp land fund, and to report the condition and amount thereof to this House at an early day.

Which was agreed to.

Mr. Haynes offered the following preamble and resolution :

WHEREAS, That in order that the members of this House may have time to canvass the matter,

*Be it Resolved*, That the committee on ways and means be required to make and report a bill on appropriations, and report the same to this House on Tuesday next at 12 o'clock, M.

Which was not agreed to.

Mr. McDonald offered the following resolution :

*Resolved*, That Simon Wile, of the county of Laporte, who contested the seat of William Schoenemann in the House, at this session, be and is hereby allowed the following per diem :

For 35 days, at \$5 per day.....	\$175 00
For 316 miles.....	63 20
Total.....	<u>\$238 20</u>

Also, that William R. Bowles be allowed the sum of — dollars for 3 day's services as witness in said matter of contest.

Mr. Caldwell moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on so much of the resolution as makes allowances to Simon Wile.

The ayes and noes were demanded by Messrs. Biggs and Wilson.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Hartley,	Sabin,
Ballenger,	Hawley,	Simpson,
Barnaby,	Henderson,	Shutt,
Britton,	Hendry,	Stanley,
Browning,	Holland,	Stephens,
Bruner,	Hynes,	St. John,
Caldwell,	McDonald,	Tarlton,
Calkins of Porter,	McFarland,	Taughinbaugh,
Cauthorn,	McGowan,	Taylor,
Coggswell,	Miles,	Tebbs,
Copner,	Mitchell,	Walker,
Cunningham,	Montgomery,	Washburn,
Curtis,	Neff,	Warrum,
Davidson,	Netherton,	Wood,
Donham,	Oatley,	Wymer,
Gallentine,	Ray,	Zenor,
Goble,	Rice,	Mr. Speaker—52.
Gordon of Cass,		

*Those who voted in the negative were, Messrs.*

Beeler,	Hill,	Myers,
Biggs,	Hooker,	Rawles,
Butterworth,	Kennedy,	Rhodes,
Conner,	King,	Ruddell,
Cox,	Kirkpatrick,	Sayers,
Defrees,	Knight,	Snodgrass,
Deputy,	Lines,	Stephenson,
Devol,	Major,	Stone,
Friedley,	Martin of Wayne,	Strickland,
Gentry,	Martin of Putnam,	White,
Guthrie,	McDowell,	Williams,
Hardin,	Minick,	Wilson,
Haynes,	Millikan,	Woodward—41.
Heilman,	Monroe,	

So so much of the resolution as provides allowances for Simon Wile, in per diem and mileage prevailed.

By consent, so much as provides ——— allowances to William R. Boyles was informally passed over.

Leave of absence for to-day was granted to Mr. Davidson.

When,

On motion of Mr. Tebbs,

The House took a recess until 2 P. M.

TUESDAY, FEBRUARY 14, 1871, 2 O'CLOCK P. M.

The House met.

Mr. Gentry presented the petition of Calvin Jones, of Spencer county, Indiana, asking to be reimbursed for a loss occasioned by a mob attacking his printing office, said loss amounting to \$1,260, said petition being signed by sundry citizens of Spencer county.

Which was,

On motion,

Referred to the committee on claims.

Mr. Rhodes introduced

House Bill No. 335, an act in relation to grounds of challenge of petit jurors.

Which was read a first time.

Mr. Zenor offered the following resolution :

*Resolved*, That the doorkeeper of this House be directed to have put in repair certain gas burners of this Hall, which are now out of repair.

Which was agreed to.

Mr. Stephenson introduced

House Bill No. 336, an act in relation to the manner of holding elections.

Which was read a first time, and,

On motion,

Referred to the committee on elections.

Mr. Williams presented the claim of M. G. McLain, State Librarian, for the sum of five hundred dollars, for extra services.

Which was,

On motion,

Referred to the committee on claims.

BILLS AND RESOLUTIONS FROM THE SENATE ON THEIR FIRST  
AND SECOND READING.

Engrossed Senate Bill No. 2, entitled an act to prevent hunting or shooting within inclosures, without the consent of the owner thereof, and to prevent trespassing upon inclosed lands.

Was read a first time, and passed to a second reading.

Engrossed Senate Bill No. 35, an act to amend section 207 of "An act to revise, simplify and abridge the rules, practice, pleadings and forms, in civil cases, in the courts of this State; to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a first time, and,

On motion,

Referred to the committee on judiciary.

Engrossed Senate Bill No. 11, an act to amend an act entitled "An act to enable the owners of wet land to drain and reclaim them, where the same can not be done without affecting the lands of others, prescribing the powers and duties of county boards and county auditors in the premises, and repealing all laws inconsistent therewith," approved March 11, 1867.

Which was read a first time and passed to its second reading.

Engrossed Senate Bill No. 69, entitled an act authorizing plank, macadamized, and gravel road companies to enter upon lands to construct drains, and appropriate material, by giving notice and having value of materials appraised.

Which was read a first time, and passed to a second reading.

Engrossed Senate Bill No. 18, entitled an act making it lawful for county recorders to demand and receive their fees for recording

at the time any deed, mortgage, or other paper, is presented for record.

Which was read a first time, and,

On motion,

Referred to the committee on fees and salaries.

Engrossed Senate Bill No. 53, an act to authorize trustees to sell real estate, and to invest the proceeds of sales for the benefit of certain trusts.

Which was read a first time, and passed to its second reading.

Engrossed Senate Joint Resolution No. 10, a joint resolution in favor of the passage of an act by Congress to extend the jurisdiction of the light house board, so as to include the Mississippi, Missouri and Ohio rivers, and to arrange these rivers into one or more light house districts.

Which was read a first time, and,

On motion,

Referred to the committee on federal relations.

Engrossed Senate Bill No. 163, an act to authorize the consolidation of hydraulic companies, and to define the powers of such consolidated companies.

Which was read a second time, and put upon its third reading.

Engrossed Senate Bill No. 149, an act to amend section 14 of an act entitled "An act concerning promissory notes and bills of exchange."

Which was read a second time, and,

On motion,

Referred to the committee on banks.

#### ENGROSSED BILLS, AND BILLS FROM THE SENATE ON THEIR THIRD READING.

A message from the Senate by Mr. Harrison, Secretary thereof:

MR. SPEAKER:

I am instructed to inform the House that the Senate has passed engrossed Senate Bill No. 4, entitled an act regulating the fees, sal-

aries and duties of certain officers therein named, and prescribing penalties for the violation of its provisions; in which the concurrence of the House is very respectfully requested.

Also, that the Senate has passed House Bill No. 177, an act declaring what counties shall constitute the 21st Common Pleas district, and fixing the time of holding therein; and the same is herewith returned to the House.

Engrossed House Bill No. 22, entitled an act to amend "An act to enable owners of wet lands to drain and reclaim them, where the same can not be done without affecting the lands of others, and prescribing the powers and duties of county boards and county auditors in the premises, and repealing all laws inconsistent therewith," approved March 11, 1869, by amending the title, and by amending sections 1, 3, 4, 6, 9, 11 and 12; that the title of said act be and the same is hereby amended to read as follows, to wit: "An act to enable and encourage the owners of wet lands and marshes to drain or reclaim them, when the same work necessary thereto will affect the lands of others, and prescribing the powers and duties of county commissioners, county auditors and recorders in the premises, and repealing all laws inconsistent therewith."

Which was read a third time.

Mr. St. John offered the following amendment:

SECTION. 8. That when the assessors have appraised the benefits or damages to any tract of land, and have made an error in the description of the same in their report of assessment, such error may be amended on the trial in court of any cause under this act, said error being alleged in the complaint, and proved on the trial.

Which was agreed to.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Browning,	Cauthorn,
Ballenger,	Bruner,	Coggsell,
Barnaby,	Butterworth,	Conner,
Biggs,	Caldwell,	Copner,
Britton,	Calkins of Porter,	Cunningham,



Curtis,	Knight,	Sabin,
Defrees,	Lines,	Sayers,
Deputy,	Major,	Shutt,
Devol,	Martin of Wayne,	Snodgrass,
Donham,	Martin of Putnam,	Stanley,
Gallentine,	McDonald,	Stephenson,
Gentry,	McDowell,	St. John,
Goble,	McFarland,	Strickland,
Gordon of Boone,	McGowan,	Tarlton,
Guthrie,	Minick,	Taughinbaugh,
Hardin,	Miles,	Taylor,
Hartley,	Millikan,	Tebbs,
Hawley,	Mitchell,	Washburn,
Haynes,	Monroe,	Warrum,
Heilman,	Montgomery,	White,
Henderson,	Myers,	Williams,
Hendry,	Netherton,	Wilson,
Hill,	Oatley,	Wood,
Holland,	Ray,	Woodward,
Hooker,	Rawles,	Wymer,
Hynes,	Rhodes,	Zenor,
Kennedy,	Rice,	Mr. Speaker—85.
Kirkpatrick,	Ruddell,	

*Those who voted in the negative were, Messrs.*

Gordon of Cass,	Neff,	Stephens—3.
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So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

*Ordered,* That the Clerk inform the Senate of the passage of the bill.

Engrossed House Bill No. 154. An act to amend an act entitled "An act providing for the election and appointment of supervisors of highways, and providing certain of their duties, and those of county and township officers in relation thereto," approved December 20, 1865.

Which was read a third time, and,

On motion of Mr. Kennedy,

Was recommitted to the special committee on roads.

## HOUSE BILLS ON SECOND READING.

House Bill No. 162, entitled an act to amend sections 2 and 6 of an act entitled "An act providing for a geological survey, and for the collection and preservation of geological and minerological cabinet of the natural history of this State," etc.

Which was read a second time.

Mr. Browning offered the following amendment:

Amend by striking out "three thousand dollars," as annual compensation, and insert in lieu thereof "two thousand dollars."

Mr. Biggs offered the following as an amendment to the amendment:

Amend by striking out "two thousand dollars," and inserting in lieu thereof "one thousand dollars."

Mr. Britton moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on the amendment offered by Mr. Biggs to the amendment offered by Mr. Browning.

The ayes and noes were demanded by Messrs. McDonald and Balenger.

*Those who voted in the affirmative were, Messrs.*

Beeler,	Hynes,	Sabin,
Biggs,	Kennedy,	Simpson,
Bruner,	Kirkpatrick,	Shutt,
Butterworth,	Martin of Putnam,	Stephenson,
Caldwell,	McFarland,	Tarlton,
Deputy,	Minick,	Taylor,
Gordon of Boone,	Monroe,	White,
Haynes,	Neff,	Williams,
Heilman,	Netherton,	Wilson,
Henderson,	Oatley,	Wood,
Hill,	Rhodes,	Woodward,
Hooker,	Ruddell,	Mr. Speaker—36.

*Those who voted in the negative were, Messrs.*

Abbett,	Gentry,	Mitchell,
Ballenger,	Goble,	Montgomery,
Barnaby,	Gordon of Cass,	Ray,
Britton,	Guthrie,	Rawles,
Browning,	Hardin,	Rice,
Calkins of Porter,	Hartley,	Sayers,
Cauthorn,	Hawley,	Snodgrass,
Coggswell,	Hendry,	Stanley,
Conner,	Holland,	Stephens,
Copner,	King,	St. John,
Cox,	Knight,	Stone,
Cunningham,	Lines,	Strickland,
Curtis,	Major,	Taughinbaugh,
Defrees,	Martin of Wayne,	Walker,
Deputy,	McDonald,	Washburn,
Devol,	McDowell,	Warrum,
Donham,	McGowan,	Wymer,
Friedley,	Miles,	Zenor—56.
Gallentine,	Millikan,	

So the amendment to the amendment did not prevail.

The question recurring on the amendment offered by Mr. Browning.

It was agreed to.

Mr. Britton offered the following amendment:

Amend by striking out "necessary traveling expenses." Also, strike out "\$8,000," and insert "\$5,000," in the proper place.

Mr. Defrees moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being, shall the amendment offered by Mr. Britton prevail?

Mr. Stone asked for a division of the question.

Which was ordered by the House.

The question being on so much of the resolution as reads, "amend by striking out 'necessary traveling expenses.' "

On which the ayes and noes were demanded by Messrs. Ruddell and Wilson.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Gentry,	Millikan,
Ballenger,	Goble,	Mitchell,
Britton,	Gordon of Cass,	Montgomery,
Browning,	Guthrie,	Oatley,
Bruner,	Hardin,	Ray,
Coggswell,	Hartley,	Rawles,
Conner,	Hendry,	Snodgrass,
Copner,	Holland,	Stanley,
Cox,	Lines,	St. John,
Cunningham,	Major,	Taughinbaugh,
Defrees,	McDowell,	Warrum,
Devol,	Miles,	Zenor—37.
Donham,		

*Those who voted in the negative were, Messrs.*

Barnaby,	Kennedy,	Simpson,
Beeler,	King,	Shutt,
Biggs,	Kirkpatrick,	Stephens,
Butterworth,	Knight,	Stephenson,
Caldwell,	Martin of Wayne,	Stone,
Calkins of Porter,	Martin of Putnam,	Strickland,
Cauthorn,	McDonald,	Tarlton,
Deputy,	McFarland,	Taylor,
Friedley,	McGowan,	Tebbs,
Gallentine,	Minick,	Walker,
Gordon of Boone,	Monroe,	Washburn,
Hawley,	Neff,	White,
Haynes,	Netherton,	Wilson,
Heilman,	Rhodes,	Wood,
Henderson,	Rice,	Woodward,
Hill,	Ruddell,	Wymer,
Hooker,	Sabin,	Mr. Speaker—53.
Hynes,	Sayers,	

So, so much of the resolution as strikes out "all necessary traveling expenses" did not prevail.

The question recurring on so much of the resolution as reads as follows, to wit: also, strike out \$8,000 and insert \$5,000, in the proper place.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Gordon of Cass,	Ray,
Ballenger,	Guthrie,	Rice,
Barnaby,	Hardin,	Snodgrass,
Britton,	Hartley,	Stanley,
Browning,	Hawley,	Stephens,
Bruner,	Haynes,	Stephenson,
Caldwell,	Hendry,	St. John,
Cogswell,	Holland,	Stone,
Conner,	Hynes,	Strickland,
Cox,	Lines,	Taughinbaugh,
Cunningham,	Major,	Tebbs,
Curtis,	McDonald,	Walker,
Defrees,	McDowell,	Washburn,
Deputy,	McGowan,	Warrum,
Devol,	Millikan,	Wymer,
Gallentine,	Mitchell,	Zenor,
Gentry,	Monroe,	Mr. Speaker—57.
Goble,	Oatley,	

*Those who voted in the negative were, Messrs.*

Beeler,	King,	Sabin,
Biggs,	Kirkpatrick,	Sayers,
Butterworth,	Knight,	Simpson,
Calkins of Porter,	Martin of Putnam,	Shutt,
Cauthorn,	McFarland,	Tarlton,
Donham,	Minick,	Taylor,
Friedley,	Miles,	White,
Heilman,	Neff,	Williams,
Henderson,	Netherton,	Wilson,
Hill,	Rawles,	Wood,
Hooker,	Rhodes,	Woodward—36.
Kennedy,	Ruddell,	

So, so much of the resolution as inserts \$5,000 in lieu of \$8,000 prevailed.

Mr. Biggs moved to reconsider the vote taken on the amendment of Mr. Browning, which fixes the salary of State Geologist at \$2,000 per annum.

Mr. McDonald moved to lay the motion to reconsider on the table.

On which the ayes and noes were demanded by Messrs. Biggs and Ruddell.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Gordon of Cass,	Myers,
Ballenger,	Guthrie,	Ray,
Barnaby,	Hardin,	Rice,
Britton,	Hartley,	Shutt,
Browning,	Hawley,	Snodgrass,
Bruner,	Hendry,	Stanley,
Cauthorn,	Hynes,	Stephens,
Coggsell,	Kennedy,	Stephenson,
Conner,	Knight,	St. John,
Copner,	Lines,	Stone,
Cox,	Major,	Strickland,
Cunningham,	Martin of Wayne,	Taughinbaugh,
Curtis,	McDonald,	Tebbs,
Defrees,	McDowell,	Walker,
Devol,	McGowan,	Washburn,
Gallentine,	Millikan,	Warrum,
Gentry,	Mitchell,	Wood,
Goble,	Monroe,	Wymer,
Gordon of Boone,	Montgomery,	Zenor—57.

*Those who voted in the negative were, Messrs.*

Beeler,	Haynes,	Martin of Putnam,
Biggs,	Heilman,	McFarland,
Butterworth,	Hill,	Minick,
Calkins of Porter,	Hooker,	Neff,
Deputy,	King,	Netherton,
Donham,	Kirkpatrick,	Rawles,

Rhodes,  
Ruddell,  
Sabin,  
Sayers,

Tarlton,  
Taylor,  
White,

Williams,  
Wilson,  
Woodward—28.

So the motion to lay on the table—the motion to reconsider, prevailed.

Mr. Calkins of Porter moved to recommit with the following instructions:

SEC. — Insert as follows: That so nearly as possible, the State Geologist shall divide the time equally between each of the congressional districts of the State, so far as the neccessities for research therein is required.

Mr. Wilson offered the following additional instructions:

And that the sum of one thousand dollars be appropriated for the survey and examination by the Geologist, for each congressional district.

Mr. Minick offered the following additional instruction:

Also, to direct the committee to make a calculation of the cost of the survey of each congressional district, and reporting same so that we may be able to make the proper estimates and appropriations.

Mr. Biggs moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on the motion to recommit with instructions.

Which was agreed to.

And the Bill, with the instructions offered, were so referred.

A message from the Senate by Mr. Harrison, Secretary thereof.

MR. SPEAKER:

I am instructed to inform the House that the Senate has passed

House Bill No. 79, "An act to extend the time for the completion of certain railroads, and to legalize the acts of their board of directors," with the following engrossed amendment:

Also, that the Senate has passed engrossed Senate Bill No. 152, "An act to extend the time for the completion of railroads, in cases where the time has been heretofore extended, and the roads are not yet completed."

In which action of the Senate, the House is requested to concur.

Mr. Martin of Putnam moved that the constitutional rule requiring bills to be read on three several days by section be suspended, so as to allow engrossed Senate Bill No. 4, to be read a first time by its title now.

The ayes and noes were taken under the rule.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Hawley,	Netherton,
Ballenger,	Haynes,	Oatley,
Beeler,	Heilman,	Rhodes,
Britton,	Henderson,	Rice,
Browning,	Holland,	Sabin,
Bruner,	Hynes,	Simpson,
Butterworth,	Kennedy,	Shutt,
Caldwell,	Kirkpatrick,	Snodgrass,
Cauthorn,	Lines,	Stanley,
Conner,	Major,	Stephens,
Copner,	Martin of Wayne,	Stephenson,
Cox,	Martin of Putnam,	Stone,
Cunningham,	McDonald,	Strickland,
Curtis,	McDowell,	Taughinbaugh,
Defrees,	McFarland,	Taylor.
Devol,	McGowan,	Tebbs,
Donham,	Minick,	Walker,
Gallentine,	Miles,	Washburn,
Gentry,	Millikan,	Warrum,
Goble,	Mitchell,	Wood,
Gordon of Cass,	Myers,	Mr. Speaker—67.
Guthrie,	Neff,	



*Those who voted in the negative were, Messrs.*

Biggs,	Hooker,	Sayers,
Calkins of Fulton,	King,	St. John,
Calkins of Porter,	Knight,	White,
Coggsell,	Montgomery,	Williams,
Friedley,	Ray,	Wilson,
Hartley,	Rawles,	Woodward,
Hill,	Ruddell,	Wymer, 21.

So the constitutional rule was suspended.

Engrosed Senate Bill No. 4, entitled, "An act regulating the fees, salaries, and duties of certain officers therein named, and prescribing penalties for the violation of its provisions."

Which was read a first time by its title, and made the special order for ten o'clock to-morrow morning, when

On motion of Mr. Ruddell,

The House adjourned.

## WEDNESDAY MORNING.

FEBRUARY 15, 1871, 9 O'CLOCK.

The House met.

Prayer by Rev. Mr. Goodman.

The Journal of yesterday was then read in part, when,

On motion of Mr. Gordon of Boone,  
The further reading was dispensed with.

Mr. Stone, from the joint special committee on the equalization of railroad taxation, submitted the following report:

MR. SPEAKER:

The joint special committee on the equalization of railroad taxation, to whom was referred the subject of the equalization of the taxes on real estate and on railroads, have had the subject under consideration, and have directed me to report the following bill (H. B. No. 337), and request that the same be read a first time now, and then placed on the files of the House.

Which was agreed to.

House Bill No. 337. An act to provide for the appraisement and the equalization of the appraisement of real property in the State of Indiana, for the purposes of taxation.

Which was read a first time, and passed to its second reading to-morrow.

Mr. Stone, from the joint special committee on the subject of the equalization of taxes on real estate and on railroads, submitted the following report:

MR. SPEAKER:

The joint special committee, to whom was referred the subject of

the equalization of the taxes on real estate and on railroads, have had the subject under consideration, and have directed me to report the following bill (H. B. No. 338), and request that the same be read a first time now, and then spread on the files of the House.

Which report was accepted.

House Bill No. 338, reported by the committee on the equalization of real estate and of railroad taxation, an act to define the terms "true cash value" and "true value in money," as used in the law providing for the appraisement of real and personal property for taxation, in the State of Indiana.

Which was read a first time, and passed to a second reading to-morrow.

Mr. Butterworth, from the committee on dykes and drains, submitted the following report:

MR. SPEAKER:

Your committee on dykes and drains, to whom was referred House Bill No. 315, have had the same under consideration, and report the same back to the House and recommend that it be amended as follows: add to section 6 the following proviso:

*Provided*, That the principal office of such association, and all the books, papers and documents belonging to the same, shall be kept in this State, in one of the counties through which the proposed work passes. And, being so amended, recommend that the bill pass.

Which report was concurred in, and the amendments were adopted.

House Bill No. 315. An act to authorize and encourage the construction of levees, dykes, drains and ditches, and the reclamation of wet and overflowed lands by incorporated associations, and providing for the incorporation of such associations and prescribing their powers, and providing for the assessment of the costs of such improvements and expenses attending the same, upon the lands benefited thereby, and for the collection of such assessments.

Which was read a second time, ordered to be engrossed, and passed to third reading on to-morrow.

Mr. Cauthorn, by unanimous consent, introduced

House Bill No. 339, an act to amend section 22 of an act entitled "An act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved June 11, 1852, and legalizing the acts of certain persons and officers therein named.

Which was read a first time, and passed to a second reading.

#### SPECIAL ORDER FOR THE DAY.

The hour having arrived for the consideration of Senate Bill No. 4, an act regulating the fees, salaries and duties of certain officers therein named, and prescribing penalties for the violation of its provisions, the same was taken up and read a second time.

Mr. Conner offered the following amendment:

Strike out from the enacting clause and insert the following:

SECTION 1. That there shall be allowed to the several county officers of this State, hereafter mentioned, the following annual salaries:

SEC. 2. The Clerk of the Circuit Court, in each county in the State, shall receive the sum of \$1,000 annually, for their services in discharging the duties of their office as Clerk of the Circuit and Common Pleas Courts of the county, and all other duties pertaining to their office, and no more, except as hereinafter provided in this act.

SEC. 3. There shall be allowed to the Clerk of the Circuit Courts in the State, for the pay of deputies, the sum of \$35.00 for each five hundred inhabitants in excess of the first five thousand inhabitants.

SEC. 4. The County Auditors in this State shall each receive an annual salary of \$1,000, and for the purpose of hiring deputies, they shall each receive the further sum of \$35.00 for every five hundred inhabitants, in excess of the first five thousand inhabitants in their respective counties.

SEC. 5. The Sheriff of each of the counties in this State shall receive an annual salary of \$1,300, and, for the purpose of hiring

deputies, they shall receive the further sum of \$35.00 for every five hundred inhabitants in excess of the first five thousand inhabitants in their respective counties.

SEC. 6. The treasurer of each county shall receive an annual salary of \$1,000, and, for the purpose of hiring deputies, the further sum of \$35.00 for every five hundred inhabitants in excess of the first five thousand inhabitants in their respective counties.

SEC. 7. The board of commissioners, in calculating the allowance to be made to the above mentioned county officers for deputy hire, shall be governed by the last preceding census of the population taken by the Federal Government.

SEC. 8. The salaries allowed in this act shall be paid quarterly, upon the warrant drawn by the county auditor, on the first days of January, April, July, and October.

SEC. 9. The county treasurer shall receive ten per cent. for the collection of delinquent taxes, when the same are collected by the sale of personal property, and when paid without sale, five per cent., and shall be allowed their necessary cash expenses in settling with the Treasurer and Auditor of State. It shall be the further duty of each county treasurer to render a sworn report to the board of commissioners of such county, on the third day of each regular session of such board, in which he shall fully and truly set forth all loans or deposits other than loans of school funds, on the warrant of the auditor, by him made to any person or persons, or corporations, of any of the moneys or funds received at or pertaining to his office, with the rate of interest at which such loans or deposits were made, together with the amount by him received of interest on such loans or deposits; and all such loan or deposit, and all such sum of interest shall be charged to such treasurer, as part of the several funds, so loaned or deposited, and be by the auditor of such county distributed with, and as part of such funds, and shall be paid out to the proper persons and officers by the treasurer, upon the warrant of the auditor; and if any treasurer neglect, fail or refuse to make such report, or pay over, on the warrant of the auditor, any such interest, he shall be fined for each offense in any sum not less than two hundred dollars; and if any auditor shall fail, neglect or refuse to issue his warrant for such interest, on demand of the proper person or officer, he shall for each offense be fined in any sum not

less than two hundred dollars. And if any of the public moneys so loaned or deposited by any such treasurer shall be lost by reason of the failure of the person or corporation to whom the same may be loaned to pay the same, or otherwise, such treasurer and his sureties shall be liable therefor.

SEC. 10. For the purpose of re-imbursing the several counties of this State against the expenses to be incurred by the operation of this act, it is further enacted that in every civil action of any description in any Circuit or Common Pleas Court, or case on appeal from a justice of the peace, or board of county commissioners, to such courts, the following costs shall be charged and collected from the unsuccessful party by the clerks of the Circuit, who shall pay the same into the county treasury, as hereinafter provided, to wit:

On judgments by default, when the amount does not exceed five hundred dollars.....	\$3 00
Where the amount is over five hundred and does not exceed two thousand dollars.....	5 00
Where the amount is over two thousand dollars.....	8 00
On all judgments rendered after trial, where the sum does not exceed five hundred dollars.....	5 00
Where the sum is over five hundred dollars and under two thousand.....	8 00
On all sums over two thousand dollars.....	12 00
On all trials by jury there shall be taxed, in addition to the above fees, \$5.00 for each day after the first the jury is detained on the trial.	
On all final judgments rendered on demurrer:.....	5 00

In the settlement of decedents' estates and guardianships, the following costs shall be charged and collected:

Where the total assets of such estate or guardianship do not exceed five hundred dollars, no costs shall be charged.	
Where they exceed five hundred and do not exceed two thousand dollars, if settled within one year from date of letters or appointment.....	\$5 00
If not settled within one year, \$1 per annum after the first year, until the same is settled.	
If such assets exceed two thousand and do not exceed five thousand dollars.....	8 00
And \$2.00 per annum after the first year.	

Over five thousand dollars and under ten, \$12.00; and \$3.00 per annum after the first year.

Over ten thousand dollars, \$15.00; and \$5.00 for each year after the first.

In criminal cases, the clerk shall collect the following costs:

For judgment on plea of guilty.....	5 00
For judgment on trial by court.....	10 00
For judgment on trial by jury, \$10.00; and \$5.00 for every day the jury is detained.	
Each marriage license.....	2 00
Taking bond, and qualifying each justice of the peace, and all other township, county, or other officers.....	1 00
For filing and recording transcripts from justices of the peace, and other counties, to bind real estate, and entering the same on judgment docket.....	1 00

SEC. 11. The sheriff's fees shall be as follows, to wit:

For serving a writ and taking into custody.....	50
For every mile necessarily and actually traveled in going and returning to serve process.....	05
Taking bail.....	25
Taking recognizance and drawing it up in form.....	50
Executing a writ of possession and mileage as above.....	1 00
Serving a summons, or a subpoena.....	25
Selling property on execution, a commission of five per centum on the first three hundred dollars, and one and one-half per centum on any excess above that amount, but when the money is paid to him without sale, one-half commission only shall be allowed. When paid to any other person in discharge of execution after demand by sheriff, one-half commission shall be allowed.	
Taking a valuation of lands.....	75
Taking a replevin bond.....	75
Serving a capias ad satisfaciendum.....	1 00
And also the necessary printers' bill, not exceeding one dollar per square. Mileage as above when no money is made, and no other fee or reward shall be allowed on execution except for the expense of keeping property.	
Serving a writ of attachment.....	1 50

Sheriffs shall not be entitled to any fees for services performed by their bailiffs when such bailiffs are receiving pay by the day from the county at the time such services are rendered. In criminal cases not provided for, the like fees as for services in civil cases to be collected only off the defendant. For collection of fee bills, five per centum on the amount thereof, and mileage.

SEC. 12. The auditor shall tax and collect the following fees, from the parties for whom the service is rendered, to wit:

For making each mortgage to secure loans to school fund, or tax deeds, or official bonds.....	\$2 00
Each merchants' or other license.....	2 00
Each transfer of real estate.....	25

In trials before the Commissioners' Court, the auditor shall charge and collect the same fees that are herein provided for clerks of the Circuit Court, in similar cases.

The clerk, auditor, treasurer and sheriff, shall each charge parties for whom the service is rendered, for all copies of official records, or papers, from their respective offices, 10 cents per hundred words, counting three figures to the word; for each certificate and seal, 50 cents; for complete records 10 cents per one hundred words.

SEC. 13. Each of said officers shall have power to issue fee-bills for the collection of the above fees, as is now provided by law.

The fees collected and paid into the county treasury under this act shall constitute the county officers' fund, and the clerk and sheriff shall receive their salaries therefrom, and from no other source: *Provided*, there shall be a surplus of the same at the end of the year, after paying the salaries herein provided for, the board of commissioners may transfer the same to and merge the same in the county revenue fund.

SEC. 14. The board of commissioners shall provide each county officer, mentioned in this act, with a suitable blank book, wherein he shall keep an accurate account of all fees and costs by him charged, specifying the date, nature and amount of the same, to whom charged, when paid; or if not paid, the reasons therefor, together with the date of fee bill, if one issued.

SEC. 15. The said fees and charges, from the time they are so



entered and charged by said officers, as hereinbefore provided, shall have the force and effect of judgments at law in said courts, and shall be a lien upon the lands of the party against whom they are charged, and shall be collected upon the proper process by levy and sale, without relief from valuation or appraisement laws.

SEC. 16. No board doing county business, nor any Circuit or Common Pleas Court therein, shall make any allowance, whatever, to any of the above named officers for extra services rendered, except as otherwise provided in this act; but the said courts are hereby authorized to employ bailiffs during term time, whose number and compensation shall be regulated by the court and paid by the county treasurer; *Provided*, that sheriffs shall be allowed their actual cash expenses in guarding and removing prisoners to places of safety, and taking convicts to the penitentiaries of this State.

SEC. 17. The clerk, auditor and sheriff shall, on the first Monday of each month, pay over to the county treasurer, all moneys received by them under this act, as fees or charges for official services during the preceding month, taking the treasurer's receipt for the same, designating in the receipt what month said money was collected; said receipt to be filed with the county auditor, taking his quietus for the same. The treasurer and auditor shall register said receipt in the county register of receipts, as in other cases where the law requires registration.

SEC. 18. Said clerk, auditor, treasurer and sheriff, shall each make reports, under oath, to the board of county commissioners of their respective counties, on the third day of each regular term of said board, of all official fees and charges, made either by themselves or deputies during the preceding three months, giving the name of each person charged with fees, and the amount charged, the amount collected, and from whom, deducting the amount paid from the amount charged, showing the amount of fees in the aggregate remaining unpaid, with the reasons why the same has not been paid. Said report shall be examined by said board, and if adjudged to be correct, and in full compliance with this act, shall order the same to be recorded on their order book, with an order of said board approving said report as being correct. If, however, said board have reason to believe that said reports, or either of them, are incorrect, they shall make an order disapproving of the same, in whole or in part.

SEC. 19. In case any such fees or costs mentioned in this act shall remain unpaid after making said report, by reason of the negligence or carelessness of any such officer, or have been paid, but not been turned over to the county treasurer, as herein provided, the board of commissioners shall make an order deducting said amount from the salary of such officer.

SEC. 20. In case any of the above named county officers neglect or refuse to perform any or all of the duties prescribed in this act, or neglect or refuse to collect promptly, and without unnecessary delay, all fees, costs, and charges fixed by this act, and pay the same into the county treasury, when the same is so payable, he shall, on conviction therefor, be fined in any sum not exceeding one thousand dollars, and removed from office, either or both, at the discretion of the court or jury trying the same; and it is hereby made the duty of the circuit or district prosecutors to prosecute, in all such cases, as in other cases of misdemeanor.

SEC. 21. All laws and parts of laws granting fees, emoluments, or perquisites, to any of the above named county officers, and all laws and parts of laws coming in conflict with the provisions of this act, or any part of it, be and the same is hereby repealed.

SEC. 22. This act shall take effect from and after the first day of June, 1871.

Mr. McDonald moved that a committee, to consist of one from each Congressional District, be appointed, to whom shall be referred Senate Bill No. 4 and the amendment proposed by Mr. Conner.

Mr. Martin of Putnam moved to lay the motion on the table.

Which was agreed to.

Message from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the President of the Senate to inform the House that the Senate has passed engrossed House Bill No. 173, being "An act to fix the time of Circuit Courts, and length of terms thereof in counties composing the Seventh Judicial Circuit of Indiana," and the same is herewith returned to the House.

I am also directed by the President of the Senate to inform the House that the Senate has passed engrossed Senate Bill No. 24, being "An act authorizing plank, macadamized and gravel roads, with concurrence of township trustees, to levy a road tax in their respective districts."

I am also directed to inform the House that the President of the Senate has signed enrolled acts of the House Nos. 180, 177 and 58, and the same are herewith returned to the House.

When,

On motion of Mr. Ruddell,

The House took a recess until 2 o'clock P. M.

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WEDNESDAY, FEBRUARY 15, 1871, 2 O'CLOCK P. M.

The House met.

The unfinished business of this morning being the consideration of Senate Bill No. 4 and the amendment offered by Mr. Conner,

Mr. Taylor offered the following resolution :

*Resolved*, That it is the sense of this House that the offices of county auditor and county treasurer should be made salaried offices, with salaries graded according to population, with the addition of fees for services rendered for private persons, and treasurers' fees for collecting delinquent taxes—such salaries to be paid out of the county treasury of the proper county. And, further, that the offices of county clerk and sheriff should remain as they now are, fee offices; each of such officers to be compensated for his services by the fees collected by him, but with further provision limiting the compensation of such officers to a certain fixed sum per annum, to be graded according to population, and with other suitable provisions and safeguards providing for the payment of all fees taxed or collected by such officers, over the amounts allowed them by law for their services, into the county treasury; and that Senate Bill No. 4, and all amendments pending thereto, be referred to a committee of five,

with instructions to amend said bill in accordance with the theory of this resolution, and report the same to-morrow.

Mr. Cauthorn moved to lay the resolution on the table.

Messrs. Calkins of Porter and Taylor demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Ballenger,	Gordon of Cass,	Millikan,
Barnaby,	Guthrie,	Mitchell,
Britton,	Hardin,	Montgomery,
Browning,	Hartley,	Neff,
Bruner,	Haynes,	Oatley,
Butterworth,	Heilman,	Ray,
Caldwell,	Henderson,	Shutt,
Cauthorn,	Hendry,	Snodgrass,
Conner,	Hill,	Stephens,
Copner,	Holland,	Stephenson,
Cox,	Hooker,	Stone,
Cunningham,	Hynes,	Tarlton,
Curtis,	Major,	Taughinbaugh,
Devol,	Martin of Putnam,	Walker,
Donham,	McDowell,	Washburn,
Furnas,	McFarland,	Warrum,
Gallentine,	McGowan,	Zenor,
Gentry,	Minick,	Mr. Speaker—56.
Goble,	Miles,	

*Those who voted in the negative were, Messrs.*

Abbett,	Hawley,	Rawles,
Beeler,	Kennedy,	Ruddell,
Biggs,	Kirkpatrick,	Sabin,
Calkins of Fulton,	Knight,	Sayers,
Calkins of Porter,	Major,	Stanley,
Coggsell,	Martin of Wayne,	St. John,
Defrees,	McDonald,	Strickland,
Deputy,	Monroe,	Taylor,
Friedley,	Myers,	Tebbs,
Gordon of Boone,	Netherton,	White,

Williams,  
Wilson,

Wood,  
Woodward,

Wymer—34.

So the resolution was laid upon the table.

The question being on the adoption of the amendment of Mr. Conner.

The ayes and noes were demanded by Messrs. Conner and Miles.

*Those who voted in the affirmative were, Messrs.*

Beeler,	Furnas,	Miles,
Conner,	Galentine,	Myers,
Defrees,	Gordon of Boone,	Stephenson—12.
Devol,	Knight,	

*Those who voted in the negative were, Messrs.*

Ballenger,	Hawley,	Oatley,
Barnaby,	Heilman,	Ray,
Biggs,	Henderson,	Rawles,
Britton,	Hendry,	Rhodes,
Browning,	Hill,	Ruddell,
Bruner,	Holland,	Sabin,
Butterworth,	Hooker,	Simpson,
Calkins of Porter,	Hynes,	Shutt,
Cauthorn,	Kennedy,	Snodgrass,
Cogswell,	Lines,	Stanley,
Copner,	Major,	Stephens,
Cox,	Martin of Wayne,	St. John,
Cunningham,	Martin of Putnam,	Strickland,
Curtis,	McDonald,	Tarlton,
Deputy,	McDowell,	Taughinbaugh,
Donham,	McFarland,	Taylor,
Friedley,	McGowan,	Walker,
Gentry,	Minick,	Washburn,
Goble,	Mitchell,	Warrum,
Gordon of Cass,	Monroe,	White,
Guthrie,	Montgomery,	Williams,
Hardin,	Neff,	Wilson,
Hartley,	Netherton,	Wood,

Woodward,  
Wymer,

Zenor,

Mr. Speaker—79.

So the amendment was not agreed to.

Mr. Haynes offered the following amendment :

An act to simplify the mode of doing county business, defining the fees and salaries of certain county officers, providing books, records and other stationery, and repealing all laws in conflict therewith.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the persons and officers in this act named, shall be entitled to receive for their services the fees allowed and set out in this act, subject to the conditions herein, and no others, except otherwise provided by law.

SEC. 2. That the salaries of the several County Auditors in this State shall be as follows: In counties having a population of 7,000 and not exceeding 10,000, the sum of twelve hundred dollars annually, and no more, payable quarterly, except the following additional fees hereinafter specified, to be paid by the persons for whom the services are rendered, and which shall, in no case, be charged to the counties, to wit:

For bond and license for retailing liquors, the sum of.....	\$3 00
For each certificate for land sold for taxes to be paid by the purchaser.....	50
For each quietus for lands redeemed.....	25
For each official bond, except township trustees' and township assessors' bonds.....	1 00
For making a deed for land sold for taxes, and acknowledgment of the same.....	2 00
For making deeds to school lands, including cost of acknowledgment.....	2 00
For each tract or parcel of land sold for taxes.....	10
For transfer of each tract, parcel or lot of land.....	25
For each mortgage to secure a loan to trust funds.....	75
For each affidavit.....	25
For taking the acknowledgment of each deed, mortgage or other instrument of writing.....	25

In addition to the foregoing salaries and fees, the auditors of the several counties of this State be and they are hereby allowed, annually, and payable quarterly, as follows:

In counties having a population of seven thousand and not exceeding ten thousand inhabitants, the sum of two hundred dollars for clerk hire, and two hundred dollars for stationery, books and records.

In counties having a population exceeding ten thousand, and not exceeding twelve thousand five hundred, the sum of three hundred dollars for clerk hire, and the sum of two hundred and twenty-five dollars for stationery, books and records.

In counties having a population exceeding twelve thousand five hundred, and not exceeding fifteen thousand, the sum of four hundred dollars for clerk hire, and two hundred and fifty dollars for stationery, books and records.

In counties having a population exceeding fifteen thousand, and not exceeding eighteen thousand, the sum of four hundred dollars for clerk hire, and the sum of two hundred and seventy-five dollars for stationery, books and records.

In counties having a population exceeding eighteen thousand, and not exceeding twenty-one thousand, the sum of six hundred dollars for clerk hire, and three hundred dollars for stationery, books and records.

In counties having a population exceeding twenty-one thousand, and not exceeding twenty-five thousand, the sum of seven hundred dollars for clerk hire, and three hundred and twenty-five dollars for stationery, books and records.

In counties having a population of twenty-five thousand, and not exceeding thirty thousand, the sum of eight hundred dollars for clerk hire, and three hundred and seventy-five dollars for stationery, books and records.

In counties having a population exceeding thirty thousand, and not exceeding thirty-seven thousand, the sum of one thousand dollars for clerk hire, and the sum of four hundred and twenty-five dollars for stationery, books and records.

In counties having a population exceeding thirty-seven thousand, and not exceeding forty-five thousand, the sum of twelve hundred dollars for clerk hire, and the sum of five hundred dollars for stationery, books and records.

In counties having a population exceeding forty-five thousand, and not exceeding fifty-five thousand, the sum of fourteen hundred

dollars for clerk hire, and the sum of six hundred dollars for stationery, books and records.

In counties having a population exceeding fifty-five thousand, the sum of seventeen hundred and fifty dollars for clerk hire, and the sum of seven hundred dollars for stationery, books and records.

SEC. 3. And the several county auditors shall furnish, at their own cost and charge, all stationery, books, records, blanks, receipts, drafts and blank county orders, and all other matters for the use of their offices, and no allowances, either directly or indirectly, shall be made to any county auditor, or individual, for any stationery, books, blanks, or records, for the use of any county auditor; and it is hereby made the duty of each county auditor in this State, at the first term of the board of commissioners, after the taking effect of this act, to make a schedule of all stationery, books, blanks and records, of whatsoever kind on hand or purchased at the expense of his county, and the cost thereof, which statement shall be verified by affidavit and spread at length upon the commissioners' record; and it shall be the duty of the board of commissioners to charge such auditor with the amount of such stationery, blanks, books and records, and deduct it from the amounts herein allowed such auditor for books, stationery and records.

SEC. 4. The several county treasurers of this State shall be entitled to receive annually, for their services, the sum of one thousand dollars, and no more, payable quarterly, except as hereinafter specified, to wit:

In counties having a population exceeding eight thousand, and not exceeding twelve thousand, two hundred dollars for clerk hire, and the sum of one hundred dollars for stationery, books, records and receipts.

In counties having a population exceeding twelve thousand, and not exceeding fifteen thousand, the sum of three hundred dollars for clerk hire, and the sum of one hundred and fifty dollars for stationery, books, blanks, receipts and records.

In counties having a population exceeding fifteen thousand, and not exceeding twenty thousand, the sum of four hundred dollars for clerk hire, and the sum of one hundred and seventy-five dollars for stationery, blanks, books, receipts and records.

In counties having a population exceeding twenty thousand, and not exceeding twenty-seven thousand, the sum of six hundred dol-



lars for clerk hire, and the sum of two hundred dollars for stationery, blanks, books, receipts and records.

In counties having a population exceeding twenty-seven thousand, and not exceeding thirty-five thousand, the sum of eight hundred dollars for clerk hire, and the sum of two hundred and fifty dollars for stationery, blanks, books, receipts and records.

In counties exceeding thirty-five thousand, and not exceeding forty-five thousand, the sum of one thousand dollars for clerk hire, and the sum of three hundred dollars for stationery, blanks, books, receipts and records.

In counties having a population of forty-five thousand, the sum of fifteen hundred dollars for clerk hire, and the sum of three hundred and fifty dollars for stationery, blanks, books, receipts and records.

SEC. 5. The treasurers of the several counties of this State shall furnish, at their own proper cost and charge, all stationery, blanks, books, records and receipts, and no allowances whatsoever shall be made by the boards of commissioners for any stationery, books, receipts or records for the use of the treasurer's office, except as hereinbefore specified.

It shall be the duty of the several county treasurers, at the first meeting of the board of commissioners of the respective counties of this State after the taking effect of this act, to make to such board a statement of all books, blanks, receipts, records, or other stationery in his office, or which has been purchased by them, for which the county is liable, and the cost thereof; which inventory shall be verified by affidavit, and spread in full upon the commissioners' record; and it is hereby made the duty of the commissioners to charge said treasurer with the amount, as shown by such inventory, and to deduct the same from the amount which the treasurer is entitled to receive. In addition to the foregoing allowance, the several county treasurers shall be entitled to receive five per cent. for collecting delinquent taxes, to be added to the taxes, and collected from the tax payer, and which shall be added to the amounts for which lands are sold for taxes, and paid by the purchaser thereof; also mileage for going to Indianapolis to make semi-annual settlements with the Auditor and Treasurer of State, at the rate of ten cents for each mile, going and returning, to be paid out of the State Treasury on the warrant of the Auditor of State, also the same for collecting

delinquent taxes, as are allowed by law to constables, for service, mileage and return of summons.

#### RECORDERS.

SEC. 6. County Recorders shall be allowed the fees now prescribed by law, and no more, and shall be required to furnish their own books, records, indexes and stationery, at their own proper costs and charge, and they shall be allowed for the same the sums as follows:

In counties having a population of seven thousand and less, the sum of one hundred dollars per annum.

In counties having a population exceeding seven thousand, and not exceeding ten thousand, the sum of one hundred and twenty-five dollars per annum.

In counties having a population of more than ten thousand, and not exceeding fifteen thousand, the sum of one hundred and fifty dollars per annum.

In counties having a population of more than fifteen and not exceeding twenty thousand, the sum of one hundred and seventy-five dollars per annum.

In counties having a population of more than twenty thousand, and not exceeding twenty-seven thousand, the sum of two hundred dollars per annum.

In counties having a population of more than twenty-seven thousand, and not exceeding thirty-five thousand, the sum of two hundred and fifty dollars per annum.

In counties having a population of more than thirty-five thousand, and not exceeding forty-five thousand, the sum of three hundred and fifty dollars per annum.

In counties having a population of more than fifty-five thousand, and not exceeding sixty thousand, the sum of four hundred and fifty dollars per annum.

And in counties having a population of sixty thousand and upward, the sum of five hundred dollars per annum.

SEC. 7. It shall be the duty of the several County Recorders, at the first meeting of the board of commissioners after the taking effect of this act, to make to such board a statement of all books, blanks, records, or other stationery in his office, or which may have been purchased by them, for which the county is liable, and the

cost thereof, which inventory shall be verified by affidavit, and spread in full upon the commissioners' record; and it is hereby made the duty of the commissioners to charge said recorder with the amount as shown by such inventory and statement, and to deduct the same from the amount which such recorder is entitled to receive.

## CLERKS.

SEC. 8. The fees of the Clerk of the Circuit Courts, for services rendered in said courts, or in any other courts of which they are, or may be, *ex-officio* clerks, shall be as follows, to wit:

For every writ, summons, or other original process.....	\$ 50
Copy of any paper or record when required, for each one hundred words.....	10
Entering motion, and rule, or order, including the filing of any paper or papers connected therewith.....	10
Entering dismissal of cause.....	10
Entering satisfaction of judgment.....	10
Receiving and entering verdict.....	10
Entering up each judgment at one hundred words or less.....	10
For every additional one hundred words.....	10
Docketing each case in the several dockets required.....	10
Impanneling and swearing each jury.....	10
Taxing fees in fee book, per one hundred words.....	10
Making complete record, per one hundred words.....	10
Entering continuance of cause.....	10
For making, for publication, each notice to non-resident defendant, including affidavits.....	50
For issuing marriage license, including the affixing of the seal of the court, all necessary affidavits, and receiving, filing and entering the return.....	1 00
Recording certificate of any estray.....	50
Taking bail for stay of execution.....	25
Issuing each execution or fee bill.....	50
Filing and recording transcript of judgment as a lien on real estate.....	50
Each certificate to a person desiring to borrow school funds, as required by school law, to be paid by the person obtaining the same.....	25
For each affidavit except as herein otherwise provided..	25
For each official certificate under the seal of the proper court,	

except when required on application of soldiers and seamen in procuring pension, back pay and bounty.....	50
For each writ of habeas corpus.....	50

SEC. 9. The Clerks' fees in criminal proceedings shall be as follows:

Every writ or other process.....	\$ 50
Taking recognizance.....	50
Making up records or furnishing transcripts thereof, per one hundred words.....	10
Entering each order or rule of court.....	10
Impanneling and swearing each jury.....	25
Swearing each witness or bailiff.....	05
Filing each paper otherwise than a subpoena, writ or other process issued in the cause or proceeding.....	05
Receiving and entering verdict.....	25
Entering defendant's confession and judgment of court.....	25
Discharging a recognizance.....	25
For services in criminal cases, not specially provided for, the same fees as are allowed for similar services in civil cases, all fees in criminal cases to be taxed to and collected only off the defendant in case of conviction.	

SEC. 10. The Clerks' fees in relation to guardianships shall be as follows:

For letters of administration, or guardianship, including all affidavits and bonds, and recording the same.....	\$1 00
Proving a will and indorsing certificates thereon, together with codicils thereto.....	1 00
Giving each notice by law to be published.....	50
Recording wills, inventories, sale bills, and accounts, and all copies thereof required, per one hundred words, four figures to be counted as a word.....	10
For each writ or other process.....	25
For each certificate under seal.....	50
For making up entries, orders, and records, not herein other- wise provided for, each one hundred words.....	10
For all services required by the clerk, in the trial of each claim contested by an administrator, executor or guardian, including the filing of all papers, the making of all entries, docketing and continuance therein.....	\$1 00

For all services not specially provided for in this act, the clerk shall be allowed the same fees as are by law allowed for similar services. *Provided, however,* That in no case shall fees be charged to an administrator, executor or guardian, for all services connected with the settlement of any estate or guardianship amounting in the aggregate to more than three per cent. upon the assets of such estate or guardianship.

SEC. 11. The clerks of the several Circuit, Common Pleas, or other courts of this State, shall be required to furnish, for the use of their offices, all stationery, books, records, court or bar dockets, and blanks, of whatever kind and description, at their own proper cost and charge; and they shall be annually allowed out of their county treasury in lieu thereof as follows, to wit:

In counties having a population of eight thousand or less, the sum of one hundred and fifty dollars.

In counties having a population of more than eight thousand, and not exceeding ten thousand, the sum of one hundred and seventy-five dollars.

In counties having a population of more than ten thousand and not exceeding fifteen thousand, the sum of two hundred dollars.

In counties having a population of more than fifteen thousand, and not exceeding twenty thousand, the sum of two hundred and fifty dollars.

In counties having a population of more than twenty thousand, and not exceeding twenty-five thousand, the sum of three hundred dollars.

In counties having a population of more than twenty-five thousand, and not exceeding thirty-five thousand, the sum of four hundred dollars.

In counties having a population of more than thirty-five thousand, and not exceeding fifty thousand, the sum of five hundred dollars.

In counties having a population of fifty thousand, or upwards, the sum of six hundred dollars.

No allowance shall be made and paid from the county treasurer to any such clerk for services, other than those above specified.

It shall be the duty of the several clerks, as aforesaid, at the first meeting of the board of commissioners after the taking effect of this act, to make to such board a statement of all books, blanks, records,

dockets or stationery of any kind in his office, or which has been purchased by them for which the county is liable, and the cost thereof, which inventory shall be verified by affidavit and spread in full upon the commissioners' records; and it is hereby made the duty of the commissioners to charge said clerks with the amount as shown by such inventory and statement, and to deduct the same from the amount which such clerk is entitled to receive.

The Sheriff's fees shall be as follows, to wit :

For serving writ and taking into custody .....	50
For every mile necessarily traveled in going and returning to serve process.....	10
Taking bail .....	25
Taking recognizance and drawing it up in form.....	50
Summoning jury (for each person named in the venire and mileage as above).....	50
Executing a writ of possession .....	1 00
Serving a summons or subpœna .....	50
Attending a prisoner before a judge, when surrendered by his bail, and receiving the prisoner into custody.....	50
Selling property on execution, a commission of five per centum on the first three hundred dollars, and one per centum on any excess above that amount, but when the money is paid to him without sale, one-half commission only shall be allowed; when paid to any other person in charge of exe- cution, after demanded by sheriff, one-fourth commission shall be allowed.	
Taking a valuation of lands .....	75
Taking a replevin bond.....	75
Serving a capias satisfaciendum.....	1 00
Levying on property and advertising without sale.....	1 00
And also the necessary printer's bill, not exceeding one dollar per square, mileage as above when no money is made, and no other fee or reward shall be allowed on execution, except for the expense of keeping property.	
Making a deed of sale of real estate on execution, including certificate of sale.....	2 00
Serving a writ of attachment.....	50
Returning a writ of attachment.....	25
Sheriffs shall not be entitled to any fees for services performed by their bailiffs when such bailiffs are receiving pay by the	

day from the county at the time such services are rendered.	
When the sheriff is provided by the county commissioners with a dwelling house in the building containing the jail, he shall not be allowed exceeding fifty cents per day for boarding each prisoner. When not so provided .....	75
In criminal cases not provided for, the like fees as for services in civil cases, to be collected only off the defendant	
For collecting fee bills, five per centum on the amount thereof.	
For taking convicts to a State prison, and all expenses incident to the same, per mile, for going and returning, to be paid out of the State treasury.....	15
For each additional convict taken at the same time, per mile..	10
For taking a prisoner to another county, for distance actually traveled in going to and returning, to be paid by the Treasurer of State on the warrant of the Auditor of State, per mile.....	15
For serving papers in cases of petition for the location, vacation, or change of highways, and for posting notices of elections, and summoning grand and petit jurors, regular panel, five cents per mile for each mile necessarily traveled, to be paid out of the county treasury.	

SEC. 14. The Sheriffs of the several counties in this State shall be required to purchase, at their own cost and expense, all books, blanks, records and stationery used in the discharge of their official duties, and they shall be allowed annually, in lieu thereof, the following:

In counties having a population of seven thousand or less, the sum of fifty dollars.

In counties having a population of more than seven thousand and not exceeding ten thousand, the sum of seventy-five dollars.

In counties having a population more than ten thousand and not exceeding fifteen thousand, the sum of one hundred dollars.

In counties having a population of more than fifteen thousand and not exceeding twenty thousand, the sum of one hundred and twenty-five dollars.

In counties having a population of more than twenty thousand and not exceeding twenty-seven thousand, the sum of one hundred and fifty dollars.

In counties having a population of more than twenty-seven

thousand and not exceeding thirty-five thousand, the sum of two hundred dollars.

In counties having a population of thirty-five thousand and not exceeding forty-five thousand, the sum of two hundred and fifty dollars.

In counties having a population of forty-five thousand and not exceeding fifty-five thousand, the sum of three hundred dollars.

In counties having a population of fifty-five thousand or upwards, the sum of three hundred and twenty-five dollars.

SEC. 15. That whenever in this act it is required to ascertain the population of any county, the same shall be taken and determined by the last Federal census of the State of Indiana.

SEC. 16. Whereas, an emergency exists for the immediate taking effect of this act, therefore, the same shall be in force on and after the 1st day of June, 1871.

Mr. Browning moved to lay the amendment on the table.

Which was agreed to.

Mr. Wilson offered the following as a substitute for Senate Bill No. 4:

An act regulating the fees of certain officers and persons therein named, and prescribing penalties for the violation of its provisions.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the persons and officers, in this act named, shall be entitled to receive for their services the fees allowed and set out in this act, subject to the conditions herein, and no others, except otherwise provided by law.

SEC. 2. The fees of the Clerk of the Supreme Court shall be as follows, to wit:

Every writ or process under seal.....	\$1 00
Indorsing on writ of error, or summons under writ of error, that it is to operate as a supersedeas.....	05
Filing each paper in a case.....	05
Copy of a record, or other paper per sheet, of one hundred words, or if the whole number of words in such copy be less than one hundred.....	10



Discontinuance on retraxit.....	10
Bringing a particular record into court, on the request of either party, to be used in the cause.....	25
Entering satisfaction of record.....	10
Receiving and entering verdict.....	10
Entering defendant's appearance.....	05
Entering on docket.....	15
Entering judgment.....	20
Swearing each witness, constable or bailiff.....	05
Making up and entering a complete record, after judgment, per sheet of one hundred words.....	10
Searching the records within one year.....	10
Every year back.....	05
Entering judgment on confession of error, or by default.....	25
Continuing cause.....	20
Every issue joined.....	25
Entering any principal motion.....	10
For each certificate authenticated by the seal of the court.....	50
For receiving and filing each bond, including the approval thereof.....	25
For making out, for publication, each notice to non-resident defendant.....	50
Every one hundred words, contained in any writing, required by law to be done by him, and for which there is no specific allowance.....	10
Indorsing on supersedeas or writ of error, any order of court to the clerk of the inferior court.....	25
Docketing judgments.....	15
Taking bail for stay of execution.....	25
Issuing fee bill for fees not his own.....	50
For services, not especially provided for in this act, such clerk shall be entitled to the same fees as are by law allowed for similar services.	

SEC. 3. The fees of the Clerks of the Circuit Courts for services rendered in said courts, or in any other courts of which they are or may be *ex officio* clerks, shall be as follows, viz.:

For every writ, summons, or other original process.....	50
For filing each paper.....	05

For copy of any paper or record when required, per sheet of one hundred words.....	10
For enteeing each motion, rule or order.....	10
For entering dismissal of a cause.....	10
For entering satisfaction of a judgment.....	15
For receiving and entering a verdict.....	15
For entering each special finding of the court or jury.....	10
For entering up each judgment.....	20
For each docketing in any of the several dockets required.....	10
For impanneling each jury.....	10
For taxing fees in fee book, per one hundred words.....	10
For administering each oath.....	05
For making complete record, per one hundred words.....	10
For every continuance of a cause.....	20
For each issue joined or tried.....	25
For issuing marriage license, including seal, and filing and recording the return.....	1 00
For recording certificate of an estray.....	50
For taking bail for stay of execution.....	25
For issuing each execution or fee bill.....	50
For each trial of a cause.....	25
For filing and recording a transcript from a justice of the peace to bind real estate.....	50
For each certificate to a person desirous of borrowing school funds, as required by the school laws, to be paid by the person obtaining such certificate.....	50
For each affidavit.....	25
For each certificate and seal, except when required to application of soldiers and seamen in procuring pensions, back pay or bounty.....	50
For certificate and seal to application of soldiers and seamen in procuring pensions, back pay or bounty.....	15
No allowances shall be made to said clerks by said courts or by the Board of County Commissioners, to be paid out of the county treasuries for extra services, except for the following services, to wit:	
For entering each opening or adjourning order, each motion or order of allowance.....	10
For each certificate and seal to copy of allowance.....	50

For attending upon courts for each day after the expiration of the regular term.....	2 00
For issuing each venire.....	50

SEC. 4. The Clerk's fees in criminal proceedings shall be as follows:

Every writ or process.....	50
Taking recognizances.....	50
Making up records or furnishing transcripts thereof, per one hundred words.....	10
Entering each motion, rule, or order of court.....	10
Impanneling and swearing each jury.....	25
Swearing each witness or bailiff.....	05
Filing each paper, other than a subpoena, writ, or other process	05
Receiving and entering a verdict.....	25
Entering defendant's confession.....	25
For services in criminal cases not specially provided for, the same fees as are allowed for similar services in civil causes.	

No allowances shall be made to any clerk of any criminal court, by such court or the Board of County Commissioners, for extra services to be paid out of the county treasury, except as follows:

For entering each opening or adjourning order, motion, or order of allowance.....	10
For issuing and filing each grand jury subpoena.....	50
For issuing and filing each grand jury or petit jury venire...	50
For certifying under seal to county auditor or treasurer each order of allowance.....	50
For making records of reports of grand jury, per one hundred words.....	10
For recording transcripts of opinions of Supreme Court, in cases where the defendant is successful in his appeal to the Supreme Court, per one hundred words.....	10
For recording each indictment in cases where the cause is dismissed by the prosecuting attorney.....	50

SEC. 5. The Clerk's fees, in relation to estates and guardianship, shall be as follows:

For letters of administration or guardianship.....	\$1 00
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Proving a will and indorsing certificates thereon, together with codicils thereto.....	1 00
Giving each notice required by law.....	50
Recording wills and making all records, and making all copies of the same, per one hundred words—four figures to be counted as a word.....	10
For each writ or other process, and filing same.....	50
For bond of administrator, executor or guardian, and filing same.....	1 00
For all copies, per one hundred words.....	10
For each oath.....	05
For each motion, rule, or order.....	10
For examination of each report of administrator, executor or guardian .....	50
For each affidavit.....	25
For each docketing on appearance, court, bar, or allowance docket .....	10
For each certificate and seal.....	50
For making up entries, orders, and records not herein otherwise provided—for each one hundred words.....	10
For all services required to be performed by the clerk in the trial of each claim contested by an administrator, executor, or a guardian, the same fees as are allowed for similar ser- vices in civil causes.	
For all services not especially provided for in this act, the clerk shall be allowed the same fees as are by law allowed for similar services.	

SEC. 6. The Sheriff's fees shall be as follows:

For serving a writ and taking into custody.....	50
For every mile necessarily traveled in going and returning to serve process.....	10
Taking bail.....	25
Taking recognizance and drawing it up in form.....	50
Summoning a jury for each person named in the venire and mileage as above.....	50
Executing a writ of possession.....	1 00
Serving a summons, subpœna, order, or notice.....	50
Attending a prisoner before a judge, when surrendered by his bail, and receiving the prisoner into custody.....	50
Selling property on execution, a commission of five per centum	

on the first three hundred dollars, and one per centum on any excess above that amount; but when the money is paid to him without sale, one-half the above commission only shall be allowed.

Taking a valuation of lands.....	75
Taking a replevin or delivery bond.....	75
Serving a capias satisfaciendum.....	1 00
Levying on property and advertising the same without sale...	1 00
And also the necessary printer's bill, not exceeding one dollar per square, mileage as above when no money is made, and no other fee or reward shall be allowed on execution, except for the expense of keeping property.	
Making a deed of sale of real estate on execution, including certificate of sale.....	2 00
Serving a writ of attachment.....	50
Returning a writ of attachment.....	25
Sheriffs shall not be entitled to any fees for services performed by their bailiffs, when such bailiffs are receiving pay by the day from the county at the time such services are rendered.	
When the sheriff is provided by the county commissioners with a dwelling-house in the building containing the jail, he shall not be allowed exceeding sixty-five cents per day for boarding each prisoner.	
When not so provided.....	75
In criminal cases not provided for, the like fees as for services in civil cases, to be collected only off the defendant.	
For collecting fee-bills, five per centum on the amount thereof.	
For taking convicts to a State prison, and all expenses incident to the same, per mile, for going and returning, to be paid out of the State Treasury.....	
	15
For each additional convict taken at the same time, per mile..	10
For taking a prisoner to another county, for distance actually traveled, in going to and returning, to be paid by the treasurer of the county to which said prisoner is taken, on the warrant of the auditor of said county, per mile.....	
	15

SEC. 7. The fees of the Secretary of State shall be as follows, to wit:

For recording each bond.....	2 00
For copies of all records, laws, and papers, per one hundred words.....	10

For each certificate authenticated by the Seal of the State, except attestation of acts of Governor and certificates fur- nished to other States.....	1 00
For issuing a notarial commission.....	1 00
For issuing a commission to commissioner of deeds.....	2 00

Such fees to be paid by the person for whom the services are rendered: *Provided, however,* That such Secretary shall in no case be entitled to any fees above provided when the services rendered are for this or other State, or any county, or the officers thereof.

SEC. 8. The fees of the County Recorder shall be as follows, to wit:

For recording deeds and mortgages, and the acknowledge- ments thereof.....	\$1 00
For certificate not under seal, and acknowledgement of deeds and mortgages.....	25
For certificate and seal.....	50
For recording all other instruments, and giving certified copies of records, per one hundred words.....	10
For recording town plats, the first one hundred lots or under..	2 00
Each additional lot.....	01
For services not specially provided for in this act, the recorder shall be allowed the same fees as are by law allowed for sim- ilar services.	

The recorder is authorized to issue fee-bills, for his own fees, according to the laws authorizing the issuing of fee-bills.

SEC. 9. County Auditors' fees shall be as follows, to wit:

For all records, copies and other writings, per hundred words, counting four figures as one word.....	10
For all figures necessary in computing taxes, additions and calculations, per hundred words, counting two-figures as one word.....	10
Each tax deed, to be paid by the person receiving such deed..	75
Each county order issued.....	05
For filing each paper.....	03
For each tax certificate, to be paid by person receiving it.....	50
For each assignment of tax and school certificate, and record- ing same, to be paid by assignor.....	50
Each other administered.....	05

Each certificate and seal to be paid by the person requesting the same.....	50
Each merchants' or other license, to be paid by party to whom issued.....	50
Each tract or parcel of land sold for taxes, to be paid by purchaser.....	10
Writing any affidavit, necessarily connected with the business of his office, and swearing affiant.....	25
Registering each receipt given by county treasurer for money	05
Each bond taken, in discharge of his official duties.....	30
Each quietus for land redeemed, to be paid by person redeeming	25
Each quietus for treasurer's receipt.....	05
Each writ, notice or process, required to be under seal.....	50
If not under seal.....	25
For each day on board of equalization, the same per day as is allowed to township assessors.	
For each entry and transfer of real estate, to be paid by person requesting the same, for the first tract described in each deed .....	15
For each subsequent tract or lot described in each deed.....	10
In trials, before the board of commissioners, the auditors shall be entitled to the same fees as are allowed clerks of the Circuit Court for similar services; when no specific fee is fixed, in this act, for services required, shall be paid by the county, or individuals, as the right of the case may be, as such board or court may order.	
For the management of the school fund, such fees as are now allowed by the school law.	

SEC. 10. The County Treasurer's fees shall be as follows, to wit:

For collecting taxes, three per centum on all sums up to twenty thousand dollars.	
Two per centum on all sums over twenty thousand dollars and up to forty thousand dollars.	
One per centum on all sums over forty thousand dollars.	
Two per centum for securing and paying out all the moneys other than tax and school funds.	
For every mile traveled in going and returning to make settlement with the Auditor and Treasurer of State.....	05
For each parcel or tract of land sold for taxes.....	10
For collecting delinquent taxes the treasurer shall, in addition	

to the above fees, be allowed ten per centum, which shall be added to the taxes and collected off the delinquent, and twenty-five cents for making demand of such delinquent tax payer.

No extra allowance or compensation shall be made to the treasurer by the board of county commissioners, nor shall it be lawful for the treasurer to retain or charge any fees or compensation other than above enumerated, except as provided in the school law now in force.

SEC. 11. County Commissioner's fees shall be as follows, to wit :

For each day's attendance as a member of the county board,  
or of the board of equalization, each commissioner shall receive.....\$5 00

SEC. 12. The County Surveyor's fees shall be as follows, to wit:

For every corner by him located or perpetuated.....	1 00
For every line run in dividing and running up sections, or parts of sections, per mile.....	1 00
When more than four corners are to be perpetuated at the same time in the same section, for each additional corner only.....	50
For going to and returning from a survey, per mile.....	05
Attending court, per day.....	1 25
Surveying a town lot.....	1 00
Every additional lot, at one time.....	25
Running a division line, one mile or under.....	1 00
For every survey by him, plainly bounded, as the law directs, and for a plat of such survey after the delivery of such plat, when the survey shall not exceed over four hundred acres.....	3 00
For every hundred acres of land contained in one survey, above four hundred acres.....	25
Surveying an acre of land, or under.....	1 50
Services in locating roads by authority of law, per day.....	2 50
Copy of plat of land or certificate of survey.....	25
Making out a complete report made of survey of any road, including field notes, etc.....	50
If such survey exceeds five miles.....	1 00
In all surveys made by authority of the board of county com-	



missioners or township trustees, chain bearers or axmen shall receive, per day..... 1 00

SEC. 13. The Prosecuting and District Attorneys' fees shall be as follows, to wit:

Docket fee or plea of guilty.....	\$3 00
Docket fee before a justice of the peace.....	3 00
Docket fee in divorce cases, where successfully resisted.....	5 00
Docket fee upon forfeited recognizance, when he prosecutes to final judgment against the defendant, with five per centum on money collected.....	5 00
Docket fee on plea of not guilty.....	5 00
In all other cases not specified, when the prosecuting or district attorney is required to prosecute or defend, the fee-bill shall be.....	5 00

SEC. 14. The Constable's fees, in civil cases, shall be as follows, to wit:

For serving summons or warrant on each person named therein	25
For every mile traveled in going and returning to serve process or subpoena.....	05
When two or more are named in such process, mileage shall be allowed for the distance necessarily traveled.	
A copy of the process left at the defendant's residence.....	25
Serving subpoena for each person therein named.....	20
Returning each writ.....	10
Bail bond.....	25
Serving execution, and mileage as above.....	25
Commitments to prison.....	50
Sale of goods when the amount of goods does not exceed six dollars.....	25
On all sums above six dollars, five per centum. On all sums collected on execution without sale, half the above commission.	
Returning execution.....	10
Summoning a jury in any case.....	50
Attending jury trial.....	35
Posting up advertisements of sale.....	30

SEC. 15. Constables' fees, in criminal cases, shall be as follows, to wit:

For serving a warrant on each person named therein.....	50
Serving subpœna.....	20
Traveling to serve process, per mile.....	05
Attending examination or trial of a person charged with a crime or misdemeanor.....	25
If more than one person, in addition, for each.....	10
Commitment of each person to prison.....	50
And for each mile necessarily traveled.....	05
For services not herein enumerated, the same fees as in civil cases.	

SEC. 16. The fees of Justices of the Peace shall be as follows, to wit:

For each summons or capias.....	25
Every examination on a criminal information on oath.....	50
Swearing each witness.....	05
Every warrant in a criminal case.....	25
Every trial on complaint for unlawful detention of lands or tenements.....	1 00
Issuing every attachment for contempt.....	25
Taking an acknowledgment of a deed, mortgage, or power of attorney.....	25
Order for relieving a pauper.....	25
Order for removing a pauper.....	50
Certifying a description of a boat adrift or an estray.....	25
Warrant or certificate of appraisement.....	25
Taking and certifying depositions.....	25
For each one hundred words therein contained more than one hundred.....	10
For each process required by law, and not herein enumerated..	20
For every writing or record not herein provided, for every one hundred words.....	10
Every trial.....	25
For certifying copies of all proceedings, for each one hundred words.....	10
Entering continuance of a cause.....	10
Every bond or recognizance.....	25
Every venire for summoning a jury.....	25

Each transfer, assignment, or docket of judgment.....	25
Issuing execution.....	25
Subpœna for witnesses, to include all that are called for at one time.....	25
Administering each oath required by law, and not herein enumerated.....	05
Rendering every final judgment.....	25
Trial of rights of property and judgment.....	50
Swearing jury.....	10
Making up docket, for every one hundred words.....	10
Each writ of attachment against property.....	50
Making return of fines to the court, for each mile necessarily traveled, to be paid by the county.....	05
Transmitting papers in cases of appeal.....	25
Writing an affidavit.....	25

SEC. 17. The fees of jurors shall be as follows, to wit :

Every juror sworn in the Circuit Court, Court of Common Pleas, or Criminal Court, to be paid out of the county treasury, per day.....	\$2 00
Every grand juror sworn, for his services as such, to be paid by the county, per day.....	2 00
Every grand or petit juror, for each mile traveled in going to and returning from court, shall receive, to be paid by the county.....	05
Every juror, for attending a trial, per day, before a justice of the peace, to be taxed with the costs of suit.....	1 00
Every juror, in each action in the Supreme Court, to be taxed against the party failing in the suit.....	2 50
For every mile actually traveled in going to and returning from court.....	05

SEC. 18. Witness' fees in the Supreme, Circuit, and Criminal Courts, and Courts of Common Pleas, shall be as follows, to wit :

To every witness attending in his own county, on trial, per day.....	\$1 00
To every witness attending from another county, per day.....	1 00
To each witness subpœnied in the county, and detained from another county, each day.....	1 00

For every mile necessarily traveled in going to and returning from court, from his place of residence, not to be compelled beyond the limits of adjoining county, each witness shall receive..... 04

SEC. 19. Witness' fees before a justice shall be as follows, to wit:

Attending, per day..... 50  
Witnesses shall claim their fees on the day of trial, before the judgment docket is signed by the justice.

SEC. 20. The fees of Notaries Public and Commissioners shall be as follows, to wit:

For each certificate and seal..... 50  
Taking depositions or other writings, for each one hundred words..... 10  
Administering an oath..... 10  
For each protest..... 50  
Each notice thereof..... 25  
When required, for each one hundred words, in recording or copying such protest..... 10  
Taking acknowledgment of deed, mortgage, power of attorney, or other written instrument..... 25

SEC. 21. The fees of Coroners shall be as follows, to wit:

Impanneling and swearing a jury and witnesses, and making and returning inquisition, for the view of each body, per day.....\$5 00

SEC. 22. Township Trustees', Clerks' and Treasurers' fees shall be as follows, to wit:

For each day's actual service they shall be allowed, to be paid out of the township fund.....\$2 50

SEC. 23. In all cases hereafter, when jurors are impaneled by any coroner for the purpose of holding an inquest, each juror shall be entitled to seventy-five cents for each day he shall serve as such, to be certified by the coroner.

SEC. 24. All fees of inquest shall be paid out of the property of the deceased person, if there be so much belonging to such deceased; if not, then out of the county treasury.

SEC. 25. In all criminal cases where the person accused shall be acquitted, no costs shall be taxed against such person, nor against the State or county, for any services rendered in such prosecution, by any clerk, sheriff, coroner, justice of the peace, constable, or witness, but in all cases of conviction, such fees and costs shall be taxed and collected, as in other cases, from the person convicted.

SEC. 26. Witnesses shall claim their fees at each term, as they attend, and not afterwards, and clerks shall note such fees at the time they are claimed; and the sheriffs and coroners are hereby required to indorse upon all process directed to them their fees at full length, and all clerks shall, in a book to be kept for that purpose, enter all the fees as the services are rendered, and the Clerk of the Supreme Court, or of any Circuit or Common Pleas Court, shall have power while he is in office, to issue fee bills from the books aforesaid, and the records and papers on file in his office for services rendered by himself, or for services rendered by any other person in said courts, at any time after such services are rendered.

SEC. 27. No action shall be maintained on any fee-bill due to any person so long as the party owing shall reside within the jurisdiction of the court issuing the same.

SEC. 28. Each Circuit Court or Court of Common Pleas, or a judge thereof, in vacation, or a justice of the peace, as the case may be, if a question arises concerning any bill of costs, or if the person charged therewith shall allege payment thereof, shall, upon motion of any party interested therein, and reasonable notice thereof, determine according to the rights of the parties thereto, and make orders accordingly; and whenever there shall appear a claim for official services rendered by any officer of a court of justice, and there does not appear to be any fees fixed by law as a compensation therefor, the court, judge, or justice, on application, shall make an order specifically fixing the allowance for such claim.

SEC. 29. After five years from the termination of any suit in which services have been rendered, no fee-bill shall issue for such services until the party claiming the same shall give five days' notice in writing to the party charged, to appear before the court in which the fees accrued, or the judge thereof in vacation, or a master in chancery, or a justice of the peace, as the case may be, to show cause against the issuing thereof; and then if no sufficient cause be shown,

the court, judge, master in chancery, or justice of the peace, as the case may be, shall order the said fee bill to be issued.

SEC. 30. The board of commissioners of each county shall furnish the necessary records, books, fuel, lights, and stationery, for the offices of the auditor, treasurer, recorder, sheriff, and the clerk of the Circuit and Common Pleas Courts of their respective counties, at the expense of such county, and shall also provide safe and suitable offices for such officers.

SEC. 31. The Secretary, Auditor, and Treasurer of State shall furnish, at the expense of the State, the necessary record books and stationery for the offices of the Secretary, Auditor, and Treasurer of State, and Clerk of the Supreme Court, and fuel and stationery for the use of the General Assembly.

SEC. 32. Every fee-bill shall be made out in words, at full length, and figures, with a statement of each item in plain phraseology, and each officer may, at the foot of any of his fee-bills, make out a madate to the proper officer, commanding him to collect the same as required by law, and make due return thereof, and shall sign the same; and from the time such fee-bill shall come into the hands of such collecting officer, it shall have the force and effect of an execution from the Circuit Court, and shall be treated as such, and shall operate as a lien upon the personal and real estate of the debtor, except as to the fee-bills of justices of the peace, constables, and township officers, which shall be treated as and have the force and effect of executions issued by justices of the peace; *Provided*, No fee-bill shall be so collected, unless issued in the manner above provided, within six years next after the services were rendered.

SEC. 33. Any successor of such officer may issue the fee-bills of his predecessor or predecessors in office, in the manner provided for in the foregoing sections; *Provided*, Such fee-bills are issued within six years next after the services are rendered. Any clerk of a Circuit Court, or Court of Common Pleas, may issue the fee-bills of the sheriff or former sheriffs of his county; and any justice of the peace may issue the fee-bills of a constable, or former constables, of his township; *Provided*, The same is done in the manner and within the time specified in the foregoing section.

SEC. 34. It shall be the duty of each clerk and sheriff, of the

several counties in this State, within twenty days from the expiration of his term of office, to pay over to his successor in office, all moneys of every description, to whomsoever due, remaining in his hands at the expiration of such term, taking the receipt of such successor therefor; and such successor, and his sureties, shall be bound therefor upon his bond, as if the same had been originally collected by him; and any clerk or sheriff failing so to pay over such moneys to his successor, such successor shall, at the first term of any court of competent jurisdiction after such failure, proceed to collect the same by suit upon the bond of such predecessor; and the sureties upon the bond of such predecessor, shall be jointly liable with the principal. Such suits shall be instituted in the name of the State of Indiana, on the relation of such successor.

SEC. 35. It shall be the duty of every recorder in the several counties of this State, at the expiration of his term of office, to deliver over to his successor in office all deeds, mortgages, or other instruments left for record, remaining in his hands at the expiration of such term, whether the fees for recording the same have been paid or not; and it shall be the duty of all ex-recorders who have withdrawn such deeds, mortgages, or other instruments from the recorder's office, to deliver the same to his successor in office, or the recorder of said county, where such deeds, mortgages, or other instruments shall be at all times kept, until paid for and withdrawn by the parties entitled thereto; but such retiring recorder may have fee-bills delivered to him for any such deeds, mortgages, or other instruments on which he has fees for recording the same remaining unpaid.

SEC. 36. The act entitled "An act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855, and all acts amending the same, and all other acts which are in conflict with the provisions of this act, are hereby repealed; but all fees heretofore legally taxed under such acts may be collected by the officers entitled thereto, as if said acts had not been repealed.

SEC. 37. Whereas, an emergency exists for the immediate taking effect of this act, the same shall therefore take effect and be in force from and after its passage.

Mr. Ballenger moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being, shall the substitute offered by Mr. Wilson, be adopted?

The ayes and noes were demanded by Messrs. Biggs and Wilson.

*Those who voted in the affirmative were, Messrs.*

Beeler,	Kennedy,	St. John,
Biggs,	Lines,	Strickland,
Calkins of Fulton,	Martin of Wayne,	Williams,
Calkins of Porter,	Monroe,	Wilson,
Cogswell,	Montgomery,	Wood,
Copner,	Netherton,	Woodward,
Friedley,	Sabin,	Wymer—22.
Hill,		

*Those who voted in the negative were, Messrs.*

Abbett,	Guthrie,	Neff,
Ballenger,	Hardin,	Oatley,
Barnaby,	Hartley,	Ray,
Britton,	Hawley,	Rawles,
Browning,	Haynes,	Rhodes,
Bruner,	Heilman,	Ruddell,
Butterworth,	Hendry,	Sayers,
Caldwell,	Holland,	Shutt,
Cauthorn,	Hynes,	Stanley,
Conner,	Kirkpatrick,	Stephens,
Cox,	Knight,	Stephenson,
Cunningham,	Major,	Stone,
Curtis,	Martin of Putnam,	Tarlton,
Defrees,	McDonald,	Taughinbaugh,
Devol,	McDowell,	Taylor,
Donham,	McGowan,	Tebbs,
Furnas,	Minick,	Washburn,
Gallentine,	Miles,	Warrum,
Gentry,	Millikan,	White,
Goble,	Mitchell,	Zenor,
Gordon of Boone,	Myers,	Mr. Speaker—65.
Gordon of Cass,		

So the substitute was not adopted.



Mr. Martin of Putnam moved that the further consideration of Senate Bill No. 4, be postponed to 9½ o'clock A. M. of to-morrow, and that it be made the special order for that hour.

Which was agreed to.

Indefinite leave of absence was granted to Mr. Logan, on account of sickness.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Sansberry, from the committee on the organization of courts, submitted the following report:

**MR. SPEAKER:**

Your committee on the organization of courts, to whom was referred a resolution requiring said committee to inquire into the expediency of abolishing the Court of Common Pleas, and so lessening the Judicial Circuit, that they may be able to transact all the business of both courts, have had the same under consideration, and as this House has since the reference of this resolution to this committee, appointed a special committee of one from each Congressional District, to inquire into the matter, your committee begs leave to report said resolution back to the House, and recommend that it lie on the table.

Which was concurred in.

Mr. Abbett, from the committee on education, submitted the following report:

**MR. SPEAKER:**

The committee on education, to whom was referred the resolution of Mr. Major, of Morgan county, relative to the enactment of a law compelling a more general attendance by the children of this State, etc., have had the same under consideration, and direct me to report the same back, with a recommendation that the same be indefinitely postponed.

Which report was concurred in.

Mr. Haynes, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

The committee on rights and privileges, to whom was referred House bill No. 140, for the protection of insectivorous and song birds, and their nests, and prescribing penalties, etc., have had the same under consideration, and return the same, recommending that it be indefinitely postponed.

Which report was concurred in.

Mr. Deputy, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred Senate Bill No. 2, have had the same under consideration, and herewith report the same back, with the recommendation that it pass.

Which was accepted.

Mr. Browning, by unanimous consent, introduced

House Bill No. 340. An act districting the State for congressional purposes and providing, in a certain event, for the election of one or more congressmen from the State at large.

Which was read a first time.

Mr. Ballenger moved that the bill be indefinitely postponed.

On which the ayes and noes were demanded by Messrs. Ballenger and Lines.

*Those who voted in the affirmative were, Messrs.*

Ballenger,	Furnas,	Martin of Wayne,
Beeler,	Gordon of Boone,	Martin of Putnam,
Biggs,	Heilman,	McDonald,
Butterworth,	Hill,	Monroe,
Calkins of Fulton,	Hooker,	Myers,
Calkins of Porter,	Kennedy,	Netherton,
Conner,	Kirkpatrick,	Rawles,
Defrees,	Knight,	Rhodes,
Deputy,	Lines,	Ruddell,
Friedley,	Major,	Sabin,

Sansberry,	Strickland,	Wilson,
Sayers,	Taylor,	Wood,
Snodgrass,	Washburn,	Woodward,
Stephenson,	White,	Wymer—44.
Stone,	Williams,	

*Those who voted in the negative were, Messrs.*

Abbett,	Gentry,	Minick,
Barnaby,	Goble,	Miles,
Britton,	Gordon of Cass,	Montgomery,
Browning,	Guthrie,	Neff,
Bruner,	Hardin,	Oatley,
Caldwell,	Hartley,	Shutt,
Cauthorn,	Hawley,	Stanley,
Cogswell,	Haynes,	Stephens,
Copner,	Henderson,	Tarlton,
Cox,	Hendry,	Taughinbaugh,
Cunningham,	Holland,	Tebbs,
Curtis,	Hynes,	Walker,
Devol,	McDonald,	Warrum,
Donham,	McFarland,	Zenor,
Gallentine,	McGowan,	Mr. Speaker—45.

So the motion to indefinitely postpone did not prevail.

Mr. McDonald moved that the bill be referred to a special committee of one from each Congressional District.

Mr. Ballenger moved to lay the motion on the table.

On which the ayes and noes were demanded by Messrs. Ballenger and Ruddell.

*Those who voted in the affirmative were, Messrs.*

Ballenger,	Defrees,	Hooker,
Beeler,	Deputy,	Kennedy,
Biggs,	Friedley,	Kirkpatrick,
Butterworth,	Furnas,	Knight,
Calkins of Fulton,	Gordon of Boone,	Lines,
Calkins of Porter,	Heilman,	Major,
Conner,	Hill,	Martin of Wayne,

Martin of Putnam,	Ruddell,	Taylor,
McDowell,	Sabin,	Washburn,
Monroe,	Sayers,	White,
Myers,	Snodgrass,	Wilson,
Netherton,	Stephenson,	Wood,
Rawles,	Stone,	Woodward,
Rhodes,	Strickland,	Wymer—42.

*Those who voted in the negative were, Messrs.*

Abbett,	Goble,	Montgomery,
Barnaby,	Gordon of Cass,	Neff,
Britton,	Guthrie,	Oatley,
Browning,	Hardin,	Sansberry,
Bruner,	Hartley,	Simpson,
Caldwell,	Hawley,	Shutt,
Cauthorn,	Haynes,	Stanley,
Coggsell,	Henderson,	Stephens,
Copner,	Hendry,	Tarlton,
Cox,	Holland,	Taughinbaugh,
Cunningham,	Hynes,	Tebbs,
Curtis,	McDonald,	Walker,
Devol,	McFarland,	Warrum,
Donham,	McGowan,	Zenor,
Gallentine,	Minick,	Mr. Speaker—47.
Gentry,	Miles,	

So the motion to lay on the table did not prevail.

Mr. Calkins of Porter moved that this House do now adjourn.

Which was not agreed to.

The question recurring on the motion to refer to a special committee of one from each Congressional District.

The ayes and noes were demanded by Messrs. Ballenger and Wilson.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Britton,	Bruner,
Barnaby,	Browning,	Caldwell,

Cauthorn,	Hartley,	Neff,
Cogswell,	Hawley,	Oatley,
Copner,	Haynes,	Sansberry,
Cox,	Henderson,	Simpson,
Cunningham,	Hendry,	Shutt,
Curtis,	Holland,	Stanley,
Devol,	Hooker,	Stephens,
Donham,	Hynes,	Stone,
Furnas,	Knight,	Tarlton,
Gallentine,	McDonald,	Taughinbaugh,
Gentry,	McFarland,	Tebbs,
Goble,	McGowan,	Walker,
Gordon of Cass,	Minick,	Warrum,
Guthrie,	Miles,	Zenor,
Hardin,	Montgomery,	Mr. Speaker—46.

*Those who voted in the negative were, Messrs.*

Ballenger,	Kennedy,	Sabin,
Beeler,	Kirkpatrick,	Sayers,
Biggs,	Lines,	Snodgrass,
Butterworth,	Major,	Stephenson,
Calkins of Fulton,	Martin of Wayne,	Strickland,
Calkins of Porter,	Martin of Putnam,	Taylor.
Conner,	McDowell,	Washburn,
Defrees,	Monroe,	White,
Deputy,	Myers,	Williams,
Friedley,	Netherton,	Wilson,
Gordon of Boone,	Rawles,	Wood,
Heilman,	Rhodes,	Woodward,
Hill,	Ruddell,	Wymer—40.
Hooker,		

So the motion to refer prevailed.

Mr. Calkins of Porter, presented the petition of sundry citizens praying the repeal of the act authorizing the levy of taxes to aid in the construction of railroads.

Which was,

On motion,

Referred to the committee on railroads.

Mr. Williams moved that two hundred copies each, of the report of the Trustees of the State Normal School, and the report of the Superintendent of Public Instruction, be printed.

Which was agreed to.

When,

On motion by Mr. Biggs.

The House adjourned.

## THURSDAY MORNING.

FEBRUARY 16, 1871, 9 O'CLOCK.

The House met.

Prayer by Rev. Mr. Holliday.

The Journal of yesterday was read in part, when,  
On motion of Mr. Cauthorn,  
The further reading thereof was dispensed with.

Mr. Cauthorn moved that the constitutional rule, requiring bills to be read on three several days, be suspended, so as to allow House Bill No. 339 to be taken up, read a second time by its title, and put upon its passage.

The ayes and noes were taken under the constitutional rule.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Gallentine,	Major,
Beeler,	Gentry,	Martin of Wayne,
Browning,	Goble,	Martin of Putnam,
Bruner,	Gordon of Cass,	McDonald,
Butterworth,	Guthrie,	McDowell,
Caldwell,	Hardin,	McFarland,
Cauthorn,	Hartley,	Miles,
Coggsell,	Hawley,	Millikan,
Copner,	Haynes,	Mitchell,
Cox,	Heilman,	Monroe,
Cunningham,	Henderson,	Montgomery,
Curtis,	Hendry,	Neff,
Davidson,	Hill,	Netherton,
Deputy,	Kennedy,	Oatley,
Devol,	Kirkpatrick,	Ray,
Donham,	Knight,	Rawles,
Furnas,	Lines,	Rice,

Sansberry,	Stone,	White,
Sayers,	Tarlton,	Williams,
Shutt,	Taughinbaugh,	Wilson,
Snodgrass,	Taylor,	Wood,
Stanley,	Tebbs,	Woodward,
Stephens,	Walker,	Wymer,
Stephenson,	Washburn,	Zenor,
St. John,	Warrum,	Mr. Speaker—76.

*Those who voted in the negative were, Messrs.*

Defrees,	Rhodes,	Sabin—4.
Myers,		

So the constitutional rule was suspended.

House Bill No. 339, entitled an act to amend section 22 of an act entitled "An act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties," approved June 11, 1852, and for legalizing the acts of certain persons and officers therein named.

Which was read a second time by its title, and a third time by sections.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Donham,	Hendry,
Beeler,	Furnas,	Hill,
Browning,	Gallentine,	Hooker,
Butterworth,	Gentry,	Hynes,
Caldwell,	Goble,	Kennedy,
Cauthorn,	Gordon of Boone,	Kirkpatrick,
Coggsell,	Gordon of Cass,	Knight,
Conner,	Guthrie,	Lines,
Copner,	Hardin,	Major,
Curtis,	Hartley,	Martin of Putnam,
Davidson,	Hawley,	McDonald,
Defrees,	Haynes,	McDowell,
Deputy,	Heilman,	McFarland,
Devol,	Henderson,	McGowan,



Minick,	Sabin,	Taughinbaugh,
Millikan,	Sansberry,	Tebbs,
Mitchell,	Sayers,	Washburn,
Monroe,	Shutt,	Warrum,
Montgomery,	Snodgrass,	White,
Myers,	Stanley,	Williams,
Neff,	Stephens,	Wilson,
Netherton,	Stephenson,	Wood,
Oatley,	St. John,	Woodward,
Rawles,	Stone,	Zenor,
Rhodes,	Strickland,	Mr. Speaker—82.
Rice,	Tarlton,	

*Those who voted in the negative were, Messrs.*

Barnaby,	Bruner,	Cunningham—3.
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So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Clerk inform the Senate of the passage of the bill.

Mr. Williams moved that the constitutional rule, requiring bills to be read on three several days, be suspended, so as to allow Senate Bill No. 69, to be taken up, read a second time by its title, and put upon its passage.

The ayes and noes were taken under the constitutional rule.

*Those who voted in the affirmative were, Messrs.*

Abbott,	Cogswell,	Devol,
Beeler,	Copner,	Donham,
Browning,	Cox,	Furnas,
Bruner,	Cunningham,	Gallentine,
Butterworth,	Curtis,	Gentry,
Caldwell,	Davidson,	Goble,
Cauthorn,	Deputy,	Gordon of Cass,

Guthrie,	McFarland,	Stephenson,
Hardin,	Miles,	St. John,
Hartley,	Millikan,	Stone,
Hawley,	Mitchell,	Tarlton,
Haynes,	Monroe,	Taughinbaugh,
Heilman,	Monmtgoery,	Taylor,
Henderson,	Neff,	Tebbs,
Hendry,	Netherton,	Walker,
Hill,	Oatley,	Washburn,
Kennedy,	Ray,	Warrum,
Kirkpatrick,	Rawles,	White,
Knight,	Rice,	Williams,
Lines,	Sansberry,	Wilson,
Major,	Sayers,	Wood,
Martin of Wayne,	Shutt,	Woodward,
Martin of Putnam,	Snodgrass,	Wymer,
McDonald,	Stanley,	Zenor,
McDowell,	Stephens,	Mr. Speaker—76.

*Those who voted in the negative were, Messrs.*

Defrees,	Rhodes,	Sabin—4.
Myers,		

So the constitutional rule was suspended.

Engrossed Senate Bill No. 69, entitled an act authorizing plank, macadamized and gravel road companies to enter upon lands to construct drains and appropriate material, by giving notice and having value of material appraised.

Which was read a second time by its title, and a third time by sections.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Beeler,	Gordon of Cass,	Hooker,
Butterworth,	Hartley,	Kennedy,
Deputy,	Heilman,	King,
Furnas,	Henderson,	Kirkpatrick,
Goble,	Hill,	Lines,

Martin of Putnam,	Sansberry,	Taylor,
McDonald,	Sayers,	Washburn,
Minick,	Snodgrass,	Warrum,
Millikan,	Stanley,	White,
Myers,	St. John,	Williams,
Netherton,	Stone,	Wood,
Rawles,	Strickland,	Wymer,
Ruddell,	Tarlton,	Mr. Speaker—37.
Sabin,		

*Those who voted in the negative were, Messrs.*

Abbett,	Donham,	Monroe,
Barnaby,	Gallentine,	Montgomery,
Britton,	Gentry,	Neff,
Browning,	Guthrie,	Oatley,
Bruner,	Hardin,	Ray,
Caldwell,	Hawley,	Rhodes,
Cauthorn,	Haynes,	Rice,
Coggsell,	Hendry,	Simpson,
Conner,	Holland,	Shutt,
Copner,	Hynes,	Stephens,
Cox,	Major,	Taughinbaugh,
Cunningham,	Martin of Wayne,	Tebbs,
Curtis,	McDowell,	Walker,
Davidson,	McGowan,	Woodward,
Defrees,	Miles,	Zenor—47.
Devol,	Mitchell,	

So the bill failed to pass.

Mr. Davidson offered the following resolution :

*Resolved*, That the Assistant Clerk of this House be and he is hereby authorized to purchase additional stationery to the amount of seventy-five dollars, the amount heretofore voted by this House having been exhausted.

Which was agreed to.

Leave of absence, for next Saturday, was granted to Mr. Furnas.

## SPECIAL ORDER FOR THE DAY.

The hour of 9½ A. M. having arrived, being the hour fixed by the House for the further consideration of engrossed Senate Bill No. 4, the same was taken up.

Mr. Cauthorn moved that the bill be now read a third time, and put upon its passage.

And, upon that motion, moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question recurring on the motion to read the bill a third time.

It was agreed to.

Engrossed Senate Bill No. 4. An act regulating the fees, salaries, and duties of certain officers therein named, and prescribing penalties for the violation of its provisions.

Which was read a third time.

The question being, shall the bill pass?

Mr. Defrees moved to recommit the bill to the committee on fees and salaries, with instructions to insert, in the proper place, the present fee bill, less twenty-five per cent. for clerks and sheriffs.

On which the ayes and noes were demanded by Messrs. Cauthorn and Ruddell.

*Those who voted in the affirmative were, Messrs.*

Beeler,	Gallentine,	Millikan,
Biggs,	Gordon of Boone,	Myers,
Butterworth,	Heilman,	Ruddell,
Conner,	Hooker,	Sayers,
Defrees,	King,	Taylor,
Deputy,	Kirkpatrick,	Williams,
Devol,	Knight,	Wilson,
Furnas,	Lines,	Wymer—24

*Those who voted in the negative were, Messrs.*

Abbett,	Henderson,	Rice,
Britton,	Hendry,	Sabin,
Browning,	Hill,	Sansberry,
Bruner,	Holland,	Simpson,
Caldwell,	Hynes,	Shutt,
Calkins of Fulton,	Kennedy,	Snodgrass,
Calkins of Porter,	Major,	Stanley,
Cauthorn,	Martin of Wayne,	Stephens,
Cogswell,	Martin of Putnam,	Stephenson,
Copner,	McDonald,	St. John,
Cox,	McDowell,	Stone,
Cunningham,	McFarland,	Strickland,
Curtis,	McGowan,	Tarlton,
Davidson,	Minick,	Taughinbaugh,
Donham,	Miles,	Tebbs,
Friedley,	Mitchell,	Walker,
Gentry,	Monroe,	Washburn,
Goble,	Montgomery,	Warrum,
Gordon of Cass,	Neff,	White,
Guthrie,	Netherton,	Wood,
Hardin,	Oatley,	Woodward,
Hartley,	Ray,	Zenor,
Hawley,	Rawles,	Mr. Speaker—71.
Haynes,	Rhodes,	

So the motion to recommit did not prevail.

Mr. Zenor moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Beeler,	Browning,
Barnaby,	Britton,	Bruner,

Caldwell,	Heilman,	Oatley,
Cauthorn,	Henderson,	Ray,
Conner,	Hendry,	Rhodes,
Cox,	Holland,	Rice,
Cunningham,	Hynes,	Shutt,
Curtis,	Kirkpatrick,	Snodgrass,
Davidson,	Major,	Stanley,
Defrees,	Martin of Putnam,	Stephenson,
Devol,	McDonald,	St. John,
Donham,	McDowell,	Stone,
Gallentine,	McFarland,	Tarlton,
Gentry,	McGowan,	Taughinbaugh,
Goble,	Minick,	Taylor,
Gordon of Boone,	Miles,	Walker,
Gordon of Cass,	Mitchell,	Washburn,
Guthrie,	Montgomery,	Warrum,
Hardin,	Myers,	Woodward,
Hartley,	Neff,	Zenor,
Hawley,	Netherton,	Mr. Speaker—63.
Haynes,		

*Those who voted in the negative were, Messrs.*

Biggs,	Kennedy,	Sayers,
Butterworth,	King,	Simpson,
Calkins of Fulton,	Knight,	Stephens,
Calkins of Porter,	Lines,	Strickland,
Coggsell,	Martin of Wayne,	Tebbs,
Copner,	Millikan,	White,
Deputy,	Monroe,	Williams,
Friedley,	Rawles,	Wilson,
Furnas,	Ruddell,	Wood,
Hill,	Sabin,	Wymer—33.
Hooker,	Sansberry,	

Mr. Myers, when his name was called, in explanation of his vote, said:

MR. SPEAKER:

I wish to change my vote; I voted against this bill, hoping we might defeat it, and then reconsider it; take it up section by section

and amend some of its most objectionable features. But I see all hope of accomplishing this has passed, although the bill accomplishes but a small part of the reform demanded by my constituents and has many things in it I do not like, it will nevertheless give us some little relief, I therefore prefer to be recorded in its favor rather than oppose any measure for retrenchment, weak though it may be, when there is no hope of getting any thing better this session.

E. B. MYERS,  
Elkhart County.

Mr. Davidson, when his name was called, in explanation of his vote, said:

MR. SPEAKER:

In view of the probability staring us in the face that the action of the House upon this bill, will close all efforts at the present session of the Legislature to make any law reducing the large incomes of county officers, and relieving the people of a portion of the burden resting so heavily upon them, I am constrained to relinquish my opposition to it, and give it my vote, believing that its provisions contain but little of good, I can only hope that they may not be found to be fully charged with evil. My vote is given with regret and reluctance. It must be recorded under my protest; protest because of the hasty passage of the bill, because of its inequalities, its unjust provisions, its increase of fees, its too large allowances; in a word, because of its imperfections without number. With patience and harmony we could have done—could yet do better; but if under the spur, immature and ill considered it must pass, let it pass, but under my regrets and my solemn protest.

Mr. Monroe, when his name was called, in explanation of his vote, said:

MR. SPEAKER:

I vote No, from the fact that I consider the bill unjust in its provisions. I desire a better bill.

Mr. Friedley, when his name was called, in explanation of his vote, said:

MR. SPEAKER:

While I am extremely anxious to do something to correct the

abuses which have grown up under our present law in relation to fees, and to aid to the extent of my vote in any just measure of reform, I can not vote for this bill, for the reason that in my judgment, it not only not correct such abuses, but opens the door for an increase of the very evils of which the people now complain. It is not, in my judgment, a measure of reform, but the reverse. It does not decrease the burdens of the people nor to the officer. Its friends have steadily refused to permit any amendment although all admit that the bill is defective and unsatisfactory. It is a piece of crude and hasty legislation which can accomplish no good, but which must do great harm. I vote No.

Mr. Rhodes, when his name was called, in explanation of his vote, said :

MR. SPEAKER :

I vote for this bill under protest. I disapprove of the mode in which its friends have strangled debate upon it, and cut off all opportunity for amendments. I have little doubt but that it will fail in many particulars to relieve the counties against the evils complained of. In my opinion the law will operate unfairly and unjustly. Parties litigant are not relieved from any of the oppressive provisions of the present law, but their misfortunes are made to aid and relieve the general burdens of taxation. This, to my mind, is not only unjust but is of extremely doubtful constitutionality. Sir, I am opposed to the principle which taxes the estates of decedents and minors, and the other litigants of the State, to build up a fund to pay the ordinary expenses of the counties. This, I understand, will be the practical workings of this bill. While I heartily indorse that feature, if the bill contains it, which cuts off construction fees, (a proposition upon which I am by no means satisfied,) I think the other one just named is inexcusably unjust. I also protest against the indecent haste with which this bill has been put through this House. I see no necessity for it. Whether this bill will give any substantial relief to the people in the State, is a question upon which the best men of this House are divided. I trust its friends will not find themselves mistaken, and the people unintentionally cheated. I, therefore, vote for the bill with little hope of its beneficial results, and believing that no other law on the subject can be passed at this session.



Mr. Stanley, when his name was called, in explanation of his vote, said :

MR. SPEAKER:

Believing as I do that this bill makes it unjust to litigants, I have been in favor of committing to a committee with several amendments, but the House refusing to recommit, and believing it much better than the old law on this subject, and also believing that this bill is the best we can get, and that it cuts off constructive fees, I vote Aye.

Mr. Wagner, when his name was called, in explanation of his vote, said :

MR. SPEAKER:

In explanation of my vote, I oppose this bill because I think, sir, it will oppress the county officers in the smaller counties of the State, while in the average counties it gives too great a salary, and is not graded according to the services rendered, but according to the population; and secondly, it works a hardship, in many cases, to litigants, in increasing the fees; and while I am in favor of reform, I am opposed to any measure being rushed through on the previous question, without giving those opposed any chance for amendment, as this bill has been. I vote No.

Mr. Tebbs, when his name was called, in explanation of his vote, said :

MR. SPEAKER:

While I yield to no man on this floor in the desire to truly carry into working effect those principles of retrenchment and reform which were so ardently heralded to the people in last year's campaign, and which have become stereotyped phrases in this House, I shall still feel that in voting against this bill I sacrifice not one iota of the principles to which I am pledged, and for the sustenance of which my constituents will have the right to call me to account. My people have demanded not so much that the salary and perquisites of the various officials be reduced, as that the fees which produce such large revenues to county officers be reduced. Yet the

anomaly is here presented of a bill which, while it reduces the salaries of county officers to a certain extent, increases, as is confessed by the friends of the bill, the cost of litigation, and the only excuse which is offered for this absurd combination is that the surplus, after paying salaries, will go into the treasury. To my mind, there can be no question as to the utter unconstitutionality of any legislation which says to the citizen, who shall be so unfortunate as to become ensnared in the meshes of litigation, and to the widows and orphans of our State who may require the strong arm of the law to secure to them the little property which Providence, in taking husband and father, has left to them, that you shall not only pay the costs of the litigation, but that you shall also pay a tax into the county treasury, in order to secure justice. For this reason, as well as for the glaring defect in the bill which makes the salaries of the county treasurer, auditor, recorder and clerk dependent alone and contingent upon the fees realized in the clerk's and sheriff's departments, and the hasty and oppressive manner in which the friends of this bill have so resolutely denied every attempt at improvement, or even investigation, forcing the bill to a final vote before members could have an opportunity to even become acquainted with its provisions, I vote No.

Mr. Henderson, when his name was called, in explanation of his vote, said:

MR. SPEAKER:

I vote Aye, under protest. Being in favor of a wholesome reform in the management of the several county offices throughout the State, and no other fee bill having presented itself, to my judgment, as good as this; and believing that a reduction would be proper, I risk voting for this bill, notwithstanding I imagine that I can discover many defects in it.

Mr. Hawley, when his name was called, in explanation of his vote, said:

MR. SPEAKER:

I vote Aye, because I conceive it to be a move in the right direction, although I do not believe it answers all the ends which the people demand. Yet I fear that, unless this measure becomes a law,

nothing will be accomplished calculated to redeem the pledges made to our constituency, to favor retrenchment and reform.

Mr. Knight, when his name was called, in explanation of his vote, said:

MR. SPEAKER:

1st. The people demand a reduction of the fees taxed and collected by our county officers. This bill does not, in my judgment, secure this; but, on the contrary, actually increases them.

2d. I believe the bill will prove cumbrous and vexatious in the details of its operations, imposing onerous additional labors on these officers, and without actual benefit to any one, or to the county at large.

3d. Few men go into law willingly; they are usually forced there because unable to meet the obligations of their contracts, and I believe it wrong to tax such men, above all others, for the benefit of the county treasury. Much more, it is unjust to tax estates and minors for this purpose, as this bill may at least do indirectly.

4th. This bill will not prevent taxing construction fees; they will continue to be taxed, as heretofore, till the amount of salary is secured, and costs, difficult to collect, will go uncollected.

Believing thus, I vote No.

Mr. Defrees, when his name was called, in explanation of his vote, said:

MR. SPEAKER:

I vote for this bill under protest, believing that if the majority of this House had extended to the *true* friends of reform that courtesy that was their due, and not sprung the previous question so as to prevent wholesome amendments being made that would have made a fee bill in *fact*, that might have afforded relief to the people, and, at the same time, given county officers a fair compensation for their labor. This bill fails to do either, only in a very limited extent. It increases the costs to litigants, which is wrong; and it does not reduce the fees of officers much below one-half what the people demand. Believing, from the temper manifested by a majority here, that this is the only proposition that this House will entertain this session upon the subject of fees and salaries, and hoping that at least

a small reduction of fees may be accomplished by the bill, and serve as an entering wedge for the future, in this direction, I vote Aye.

Mr. Walker, when his name was called, in explanation of his vote, said :

MR. SPEAKER :

In explanation of my vote, I do not think this fee and salary bill will bring about as much reform in the reduction of fees and salaries as is desired by a large majority of the people of Clay county. But, sir, believing the bill to be some reform from our present law, and seeing no prospect of getting any better bill at this late day of this session, therefore, upon this consideration, I vote for this bill.

Mr. Taylor, when his name was called, handed to the Clerk the following protest :

MR. SPEAKER :

Against this unnecessary and unprecedented haste in the disposition of the most important measure of the session ; against the peremptory denial of time or opportunity to examine the contents of a long, complicated and important bill ; against the tyrannical deprivation of the right to amend, debate, or even to remonstrate, except in this ineffectual way, I do, in the name of the people of Allen county, emphatically protest.

R. S. TAYLOR,

Representative from Allen County.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

*Ordered*, That the Clerk inform the Senate of the passage of the bill.

Mr. Browning moved to reconsider the vote just taken, and to lay the motion to reconsider on the table.

Which was agreed to.

When,

On motion of Mr. Martin of Putnam,  
The House took a recess until 3 o'clock.

THURSDAY, FEBRUARY 16, 1871, 3 O'CLOCK P. M.

The House met.

SPECIAL ORDER FOR THE DAY.

The hour 3 o'clock having arrived, being the hour fixed for the further consideration of House Joint Resolution No. 14, the same was taken up.

House Joint Resolution No. 14, entitled joint resolution on the subject of gifts to presidents and presidential candidates.

Mr. Mack (Mr. McDonald being in the Chair) moved the adoption of the resolution.

Mr. Calkins of Porter, offered the following amendment:

Insert in the proper place, "or if said candidate or candidates shall offer any reward or bribe, either directly or indirectly, to procure his nomination, or shall promise any gift or appointment, either before or after his nomination, to obtain said office, he shall," etc.

Also, "If the fact shall not have been discovered until after the election of said person, it shall be a good and sufficient ground of impeachment."

Which was accepted by Mr. Mack, the author of the resolution.

The question recurring on the adoption of the joint resolution.

The ayes and noes were taken under the constitutional rule.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Conner,	Furnas,
Barnaby,	Copner,	Galentine,
Beeler,	Cox,	Gentry,
Britton,	Cunningham,	Goble,
Browning,	Curtis,	Gordon of Boone,
Caldwell,	Davidson,	Gordon of Cass,
Calkins of Porter,	Defrees,	Guthrie,
Calkins of Fulton,	Devol,	Hardin,
Cauthorn,	Donham,	Hartley,
Cogswell,	Friedley,	Hawley,

Haynes,	McGowan,	Stanley,
Heilman,	Minick,	Stephens,
Henderson,	Miles,	St. John,
Hendry,	Millikan,	Stone,
Hill,	Mitchell,	Strickland,
Holland,	Monroe,	Tarlton,
Hooker,	Montgomery,	Taughinbaugh,
Hynes,	Myers,	Taylor,
Kennedy,	Neff,	Tebbs,
King,	Netherton,	Walker,
Kirkpatrick,	Oatley,	Washburn,
Knight,	Ray,	Warrum,
Lines,	Rice,	White,
Major,	Ruddell,	Wood,
Martin of Wayne,	Sabin,	Woodward,
Martin of Putnam,	Sansberry,	Wymer,
McDonald,	Simpson,	Zenor,
McDowell,	Shutt,	Mr. Speaker—88.
McFarland,	Snodgrass,	

*Those who voted in the negative were, Messrs.*

Butterworth,

Wilson—2.

So the joint resolution passed.

The question being, shall the title as read stand as the title of the joint resolution?

It was so ordered.

*Ordered*, That the Clerk inform the Senate of the passage of the joint resolution.

Mr. Barnaby moved that House Bill No. 163 be taken up and put upon its passage.

Mr. Biggs moved that the bill be made the special order for 10 o'clock to-morrow morning.

Which was agreed to.

Mr. Tebbs, from the committee on claims, submitted the following report:

MR. SPEAKER:

The committee on claims, to whom was referred the resolution in relation to the contest of Walters vs. Taylor, have had the same under consideration, and recommend, in the report, that so much per diem for the time and mileage be allowed.

Which report was concurred in.

Mr. Zenor, from the committee on claims, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred the claim of William L. Hartley for \$165, for horse and equipments furnished Col. Graham, in command of troops in pursuit of John Morgan, have had the same under consideration, and report the same back, requesting the action of the House thereon.

Mr. Tebbs moved that the claim be allowed.

On which the ayes and noes were demanded by Messrs. Cox and Biggs.

*Those who voted in the affirmative were, Messrs.*

Bruner,	Heilman,	Oatley,
Deputy,	Holland,	Strickland,
Hardin,	McDowell,	Tebbs,
Hawley,	Monroe,	Mr. Speaker—12.

*Those who voted in the negative were, Messrs.*

Abbott,	Coggsell,	Furnas,
Barnaby,	Conner,	Gallentine,
Beeler,	Cox,	Gentry,
Biggs,	Cunningham,	Goble,
Britton,	Curtis,	Gordon of Boone,
Browning,	Davidson,	Gordon of Cass,
Butterworth,	Defrees,	Guthrie,
Caldwell,	Devol,	Haynes,
Calkins of Porter,	Donham,	Henderson,
Cauthorn,	Friedley,	Hendry,

Hill,	Mitchell,	Stephens,
Hynes,	Montgomery,	St. John,
Kennedy,	Myers,	Stone,
King,	Neff,	Tarlton,
Kirkpatrick,	Netherton,	Taughinbaugh,
Knight,	Ray,	Taylor,
Lines,	Rhodes,	Walker,
Major,	Rice,	Washburn,
Martin of Wayne,	Ruddell,	Warrum,
Martin of Putnam,	Sabin,	Williams,
McDonald,	Sansberry,	Wilson,
McFarland,	Sayers,	Wood,
McGowan,	Shutt,	Woodward,
Minick,	Snodgrass,	Wymer,
Miles,	Stanley,	Zenor—76.
Millikan,		

So the claim was not allowed.

Mr. Gordon of Boone, from the committee on claims, submitted the following report:

MR. SPEAKER:

The committee on claims, to whom was referred the claim of the Adjutant General of the State, asking an appropriation to remunerate him for the arduous duties performed in the office since his appointment, have had the same under consideration, and concur in the report of the Senate committee in the allowance of the claim.

Which report was concurred in.

Mr. Tebbs, from the committee on claims, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred the resolution requesting the committee to inquire whether there was an allowance due the Hon. Samuel Beatty, for expenses incurred in contesting the seat of Hon. James Peele, in the House of the Forty-Sixth session, have



had the same under consideration, and report that they have made the proper investigation, and find that "not a red" was allowed.

Which was concurred in.

Mr. Tebbs, from the committee on claims, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred the claim of Wm. Burris, for \$12.50, have had the same under consideration, and recommend that it be allowed.

Which was concurred in.

Mr. Browning, from the committee on claims, submitted the following report:

MR. SPEAKER:

The committee on claims, to whom was referred the petition of the commissioners of Grant county vs. the treasurer of said county, have investigated the same and report it back to the House, requesting that it be referred to the judiciary committee.

Which report was concurred in.

Mr. Major, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House Bill No. 232, introduced by Mr. Rawles, ask leave to report that they have considered the same, and have directed me to return the same with the recommendation that it lie on the table.

Mr. Myers moved that the report be temporarily postponed.

Which was agreed to.

Mr. Zenor, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House Bill No. 299, an act making the fee for recording deeds, mortgages, and cases of a lien on the real estate described therein, have had the same under consideration, and report the same back with the recommendation that it lie on the table.

Which report was concurred in.

Mr. Bruner, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House bill No. 280, entitled "An act to amend section twenty-six of an act entitled 'An act to provide for a general system of common schools, the officers thereof, etc,' " beg leave to report that they have had the same under consideration, and recommend its passage with the following amendment:

Strike out all of amended section "one" after the word "house" in line thirty-seven, and insert the following: "or school house furniture in his township, town or city, without the consent or concurrence of a majority of the school voters in such district wherein such house or school house furniture is, or may be located, to be expressed either by a school meeting, held as herein provided, or by the petitioner of a majority of such votes. *Provided, further,* that such majority shall consist of the parents or guardian of not less than twenty school children in such district."

Which report was accepted.

Mr. Cauthorn offered the following concurrent resolution:

WHEREAS, Senate Bill No. 4 provides, that the same shall be in force from and after its passage, therefore,

*Resolved*, By the House the Senate concurring, that for the benefit and information of the several officers of this State, whose fees are defined therein, the Secretary of State is authorized and directed to have five thousand copies of the aforesaid bill printed in pamphlet form, and distributed to the several counties of this State upon its approval by the Governor.

Mr. Wilson moved to lay the resolution on the table.

Which was not agreed to.

The question recurring on the adoption of the resolution.

It was agreed to.

When,

On motion of Mr. Williams,

The House adjourned.

## FRIDAY MORNING.

FEBRUARY 17th, 1871, 9 O'CLOCK.

The House met.

Prayer by the Rev. Mr. Bennett.

The Journal of yesterday was then read in part, when,

On motion of Mr. Washburn,

The further reading thereof was dispensed with.

## REPORTS FROM STANDING COMMITTEES.

Mr. Minick, from the committee on benevolent and scientific institutions, submitted the following report:

MR. SPEAKER:

Your committee on benevolent and scientific institutions, to whom was referred House Bill No. 305, entitled an act in relation to orphan asylums, and the children entrusted to their care, have had the same under consideration, and recommend that it do pass.

Which was accepted.

Mr. Gordon of Boone offered the following resolution:

*Resolved*, That the committee on ways and means be, and they are hereby instructed, to report to this House by two o'clock P. M. to-day, the bills for the appropriation to the benevolent and scientific institutions of the State.

Mr. McDonald moved to lay the resolution on the table.

On which the ayes and noes were demanded by Messrs. Gordon of Boone and Friedley.

*Those who voted in the affirmative were, Messrs.*

Barnaby,	Hartley,	Montgomery,
Britton,	Hawley,	Neff,
Browning,	Haynes,	Ray,
Bruner,	Henderson,	Rice,
Caldwell,	Hendry,	Sansberry,
Coggsweil,	Holland,	Stanley,
Copner,	Hynes,	Stephens,
Cox,	McDonald,	Tarlton,
Cunningham,	McDowell,	Taughinbaugh,
Curtis,	McFarland,	Tebbs,
Gallentine,	McGowan,	Warrum,
Gentry,	Minick,	Zenor,
Goble,	Miles,	Mr. Speaker—41.
Gordon of Cass,	Mitchell,	

*Those who voted in the negative were, Messrs.*

Biggs,	King,	Rhodes,
Calkins of Fulton,	Kirkpatrick,	Ruddell,
Conner,	Knight,	Snodgrass,
Deputy,	Lines,	St. John,
Devol,	Major,	Stone,
Friedley,	Martin of Wayne,	Strickland,
Furnas,	Martin of Putnam,	Washburn,
Gordon of Boone,	Millikan,	Williams,
Heilman,	Monroe,	Wilson,
Hill,	Myers,	Wood,
Hooker,	Netherton,	Wymer—35.
Kennedy,	Rawles,	

So the resolution was laid on the table.

Mr. Denbo, from the committee on benevolent and scientific institutions, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred memorials Nos. 22, 26, 51, 62, and 73, and others not numbered, from sundry inhabitants of the State, praying for the creation of a board of supervisors, upon  
H. J.—52

which there shall be at least three women, to exercise certain control over the reformatory and benevolent institutions of the State; also for the passage of a law, changing the control of inmates of county jails, requiring them to work for their support, etc., have had said memorials under consideration, and report that in their opinion, it would be impracticable to grant the prayer of the petitioners.

Which report was concurred in.

I am also directed by the committee to introduce the following bill:

House Bill No. 341, entitled an act to amend section 13 of an act entitled "An act to establish a home for the maintenance of sick and disabled Indiana soldiers and seamen, and their orphans and widows," approved March 11, 1867, and section 2 of "An act supplementary to said act," approved May 14, 1869.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section 13 of said act, and section 2 of the act supplementary thereto, be so amended as to read as follows:

"On the order of the superintendent, indorsed by the Governor of this State, the Auditor of State shall draw his warrant upon the treasury to defray the current expenses of the Home, for such sums as may be necessary, not exceeding two dollars and fifty cents per week for each and every inmate or person connected with said Home, of which receipts said superintendent shall keep an accurate account, subject, at all times, to the inspection of the trustees, and other officers of the Home, which warrants shall be paid out of any moneys appropriated for the maintenance of said Home, until the same is exhausted, and then out of any moneys in the treasury not otherwise appropriated."

Which was read a first time, and passed to a second reading.

Mr. McDonald, from the committee on judiciary, submitted the following report:

MR. SPEAKER:

The committee on judiciary, to whom was referred House Bill No. 182, entitled an act to enable citizens to aid in the construction

of railroads, have had the same under consideration, and report the same back with the recommendation that it lie on the table.

Which report was not concurred in.

Mr. Furnas, from the committee on agriculture, submitted the following report:

MR. SPEAKER:

The committee on agriculture, to whom was referred House Resolution No. 17, in reference to the relief from taxation of dogs, have had the same under consideration, and respectfully recommend that it be indefinitely postponed.

Which was concurred in.

Mr. Donham, from the committee on agriculture, submitted the following report:

MR. SPEAKER:

The committee on agriculture, to whom was referred House Bill No. 322, an act to authorize the killing of useless and sheep-killing dogs, and providing for the discharge of taxes assessed against the owners of dogs by the killing of such dogs, have had the same under consideration, and recommend that section one be amended so as to read "sheep or other animals, attacking persons, or being from home after night, unless accompanied by his owner."

And that section two be amended to read after "auditor," wherever it occurs, or "township trustee shall give a receipt for the same."

Which was accepted.

Mr. Taylor, from the committee on corporations, submitted the following report:

MR. SPEAKER:

Your committee on corporations, to whom was referred House Bill No. 323, have had the same under consideration, and report the same back with the recommendation that it pass.

Which report was accepted.

Mr. Biggs, from the committee on corporations, submitted the following report:

MR. SPEAKER:

Your committee on corporations, to whom was referred House Bill No. 292, entitled an act to provide for the sale and transfer of corporation stocks for the the non-payment of taxes, have had the same under consideration, and instruct me to report the same to the House with the recommendation that it pass.

Which report was accepted.

Mr. Neff, from the committee on corporations, submitted the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred House Bill No. —, an act to exempt from sale on execution fire engines, buckets, hook and ladders, etc., have had the same under consideration, and recommend that said bill do pass.

Which report was accepted.

Mr. Davidson, from the committee on canals, submitted the following report:

MR. SPEAKER:

The committee on canals, to whom was referred the Senate resolutions on the subject of the old bonds of the State, issued prior to the year 1841, have considered the same, and recommend that the House do not concur, and that said resolutions do lie on the table.

Mr. McDonald moved that the report, with all resolutions and reports on the same subject, be made the special order for next Tuesday, at 10 o'clock, A. M.

Which was agreed to.

Mr. Rice, from the committee on cities and towns, submitted the following report:



MR. SPEAKER:

A majority of your committee on cities and towns, to whom was referred Senate Bill No. 34, to amend the fortieth clause of section 30, Evansville city charter, and making provision for the government of the Evansville water works, would respectfully report the same back with a recommendation that it pass.

(Signed)

H. S. CAUTHORN,  
J. H. RICE,  
JOHN W. COPNER,  
WM. J. MCGOWAN.

Mr. Ruddell, from the majority of the committee on cities and towns, submitted the following report:

MR. SPEAKER:

The majority of the committee on cities and towns, to whom was referred House Bill No. 207, an act to amend an act entitled "An act granting to the citizens of Evansville a city charter, by adding supplemental sections thereto, have had the same under consideration, and report the same back with the recommendation that it pass.

(Signed)

JAMES H. RUDDELL,  
R. R. STEPHENSON,  
HENRY A. WHITE,  
WILLIAM HEILMAN.

Mr. Rice, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

The following members of your committee, to whom was referred House Bill No. 207, have had the same under consideration, and recommend that it lie on the table, as we have already signed a majority report recommending the passage of the Senate Bill No. 34.

(Signed)

H. S. CAUTHORN,  
JAS. H. RICE,  
JOHN W. COPNER,  
WM. J. MCGOWAN.

Mr. Ruddell moved that all reports on House Bill No. 208, and Senate Bill No. 34, be made the special order for Friday next, at 2½ o'clock, P. M.

Mr. McDonald moved to lay the motion on the table.

On which the ayes and noes were demanded by Messrs. Ruddell and Heilman.

*Those who voted in the affirmative were, Messrs.*

Barnaby,	Goble,	Neff,
Britton,	Gordon of Cass,	Ray,
Browning,	Hartley,	Rice,
Bruner,	Haynes,	Sansberry,
Caldwell,	Henderson,	Simpson,
Canthorn,	Hendry,	Shutt,
Cogswell,	Holland,	Stanley,
Copner,	Hynes,	Stephens,
Cox,	McDonald,	Tarlton,
Cunningham,	McDowell,	Taughinbaugh,
Curtis,	McFarland,	Tebbs,
Donham,	McGowan,	Warrum,
Gallentine,	Minick,	Zenor,
Gentry,	Montgomery,	Mr. Speaker—44.

*Those who voted in the negative were, Messrs.*

Biggs,	Knight,	Sayers,
Calkins of Fulton,	Lines,	Snodgrass,
Calkins of Porter,	Major,	Stephenson,
Conner,	Martin of Wayne,	St. John,
Deputy,	Martin of Putnam,	Stone,
Friedley,	Miles,	Strickland,
Furnas,	Millikan,	Washburn,
Gordon of Boone,	Monroe,	White,
Hawley,	Myers,	Williams,
Heilman,	Netherton,	Wilson,
Hill,	Rawles,	Wood,
Hooker,	Rhodes,	Woodward,
King,	Ruddell,	Wymer—40.
Kirkpatrick,	Sabin,	

So the motion to lie on the table prevailed.

Mr. Williams moved that the whole matter be made the special order for Thursday, at 2½ o'clock.

Mr. McDonald moved to lay the motion on the table.

On which the ayes and noes were demanded by Messrs. Ruddell and Williams.

*Those who voted in the affirmative were, Messrs.*

Barnaby,	Goble,	Montgomery,
Britton,	Gordon of Cass,	Neff,
Browning,	Hardin,	Ray,
Bruner,	Hartley,	Rice,
Caldwell,	Hawley,	Sansberry,
Cauthorn,	Haynes,	Simpson,
Coggswell,	Hendry,	Shutt,
Copner,	Holland,	Stanley,
Cox,	Hynes,	Stephens,
Cunningham,	McDonald,	Tarlton,
Curtis,	McDowell,	Taughinbaugh,
Davidson,	McFarland,	Tebbs,
Devol,	McGowan,	Warrum,
Gallentine,	Minick,	Zenor,
Gentry,	Mitchell,	Mr. Speaker—45.

*Those who voted in the negative were, Messrs.*

Biggs,	Knight,	Snodgrass,
Calkins of Fulton,	Lines,	Stephenson,
Calkins of Porter,	Major,	St. John,
Conner,	Martin of Wayne,	Stone,
Deputy,	Martin of Putnam,	Strickland,
Friedley,	Millikan,	Taylor.
Furnas,	Monroe,	Washburn,
Gordon of Boone,	Myers,	White,
Heilman,	Netherton,	Williams,
Henderson,	Rawles,	Wilson,
Hill,	Rhodes,	Wood,
Hooker,	Ruddell,	Woodward,
King,	Sabin,	Wymer—43.
Kirkpatrick,	Sayers,	

So the motion to lay on the table prevailed.

Mr. Ruddell, from the committee on cities and towns, submitted the following report:

MR. SPEAKER:

We, the undersigned members of your committee on cities and towns, to whom was referred Senate Bill No. 34, have had the same under consideration, and report that it lie on the table.

Mr. Ruddell moved that the whole matter be made the special order for Wednesday, 2 o'clock, P. M.

Mr. Rice moved to lay the motion on the table.

On which the ayes and noes were demanded by Messrs. Ruddell and Biggs.

*Those who voted in the affirmative were, Messrs.*

Barnaby,	Gentry,	Montgomery,
Britton,	Goble,	Neff,
Browning,	Gordon of Cass,	Ray,
Bruner,	Hardin,	Rice,
Caldwell,	Hartley,	Simpson,
Cauthorn,	Haynes,	Shutt,
Coggsell,	Hendry,	Stanley,
Copner,	Holland,	Stephens,
Cox,	Hynes,	Tarleton,
Cunningham,	McDonald,	Taughinbaugh,
Curtis,	McDowell,	Tebbs,
Davidson,	McFarland,	Warrum,
Devol,	McGowan,	Zenor,
Donham,	Minick,	Mr. Speaker—43.
Gallentine,	Mitchell,	

*Those who voted in the negative were, Messrs.*

Biggs,	Furnas,	King,
Calkins of Fulton,	Gordon of Boone,	Kirkpatrick,
Calkins of Porter,	Heilman,	Knight,
Conner,	Henderson,	Lines,
Deputy,	Hill,	Major,
Friedley,	Hooker,	Martin of Wayne,

Martin of Putnam,	Ruddell,	Taylor,
Miles,	Sabin,	Washburn,
Millikan,	Sayers,	White,
Monroe,	Snodgrass,	Williams,
Myers,	Stephenson,	Wilson,
Netherton,	St. John,	Wood,
Rawles,	Stone,	Woodward,
Rhodes,	Strickland,	Wymer—42.

So the motion to lay on the table prevailed.

Mr. Cauthorn moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being, shall the minority report on Senate Bill No. 34 be concurred in?

The ayes and noes were demanded by Messrs. Calkins of Porter and Biggs.

Mr. Ruddell, after the calling of the roll had begun, called for the reading of the bills upon the subject.

Which was decided, by the Speaker, to be out of order.

Whereupon,

Mr. Ruddell submitted the following appeal:

The Speaker having decided that a bill may not be read for information when a vote is being taken under the operation of the previous question, the undersigned most respectfully appeal from said decision.

(Signed)

J. H. RUDDELL,  
O. M. WILSON.

Which appeal was ruled out of order by the Chair—the decision of the Chair upon which said appeal purported to have been based not being stated in the appeal.

And the Clerk was directed to proceed with the calling of the roll.

*Those who voted in the affirmative were, Messrs.*

Biggs,	Lines,	Snodgrass,
Calkins of Fulton,	Major,	Stephenson,
Calkins of Porter,	Martin of Wayne,	St. John,
Conner,	Martin of Putnam,	Stone,
Deputy,	Miles,	Strickland,
Friedley,	Millikan,	Taylor,
Gordon of Boone,	Monroe,	Washburn,
Heilman,	Myers,	White,
Henderson,	Netherton,	Williams,
Hill,	Rawles,	Wilson,
Hooker,	Rhodes,	Wood,
King,	Ruddell,	Woodward,
Kirkpatrick,	Sabin,	Wymer—41.
Knight,	Sayers,	

*Those who voted in the negative were, Messrs.*

Barnaby,	Goble,	Neff,
Britton,	Gordon of Cass,	Ray,
Browning,	Hardin,	Rice,
Bruner,	Hartley,	Sansberry,
Caldwell,	Hawley,	Simpson,
Cauthorn,	Haynes,	Shutt,
Coggsell,	Hendry,	Stanley,
Copner,	Holland,	Stephens,
Cox,	Hynes,	Tarleton,
Cunningham,	McDonald,	Taughinbaugh,
Curtis,	McDowell,	Tebbs,
Davidson,	McFarland,	Walker,
Devol,	McGowan,	Warrum,
Donham,	Minick,	Zenor,
Gallentine,	Mitchell,	Mr. Speaker—47.
Gentry,	Montgomery,	

So the report was not concurred in.

And the report of the majority on Senate Bill No. 34 was accepted.

Mr. St. John, by unanimous consent of the House, offered the following resolution :

*Resolved*, That House Bill No. 165, and all other bills pertaining to gravel roads, be made the special order for next Thursday, at 2½ o'clock, P. M.

Which was agreed to.

Leave of absence was granted to Mr. St. John until next Tuesday.

Leaves of absence were granted as follows:

Mr. Hill, until Wednesday.

Mr. Donham, until Tuesday.

Mr. Mitchell, until Tuesday.

Mr. Kirkpatrick, until Monday.

#### SPECIAL ORDER FOR THE DAY.

The hour fixed by the House for the further consideration of House Bill No. 163, an act to regulate insurance companies.

The same was taken up.

Mr. St. John offered the following amendments:

Amend section three, as follows: Strike out all after the word "or" in the eighth line of said section.

Amend section four, as follows: Strike out all after the word "each" in the third line of said section, and insert the following: "Nor shall any company be allowed to transact business as a mutual insurance company until a guaranteed capital of not less than one hundred thousand dollars, in securities as specified in section five of this act shall have been paid and deposited with the Treasurer of this State."

Amend by striking out all of section eleven.

Mr. Calkins, of Porter, offered the following amendment, to be added to section twenty-three:

*Provided, however*, That any foreign insurance company, with a paid up capital stock of not less than \$100,000, may do business in this State by filing in the office of the Auditor of State securities in a sufficient sum, at the discretion of said Auditor of State, to secure the policy holders of such company within this State.

Mr. Williams offered the following amendment :

Amend section thirty-five, line first, by inserting " the Governor, Auditor, and Secretary of State, Agent and Treasurer of State, shall appoint a suitable person to act as insurance commissioner.

Mr. Ruddell offered the following amendment :

Amend section twenty-four by striking out the words "two dollars," in the third line, and inserting "one dollar and fifty cents," and also by striking out the word "net," in the fourth line, and inserting the word "gross."

Mr. Neff moved that the further consideration of the bill and amendments be postponed until two o'clock this afternoon, and that the same be then considered in committee of the whole.

Which was agreed to.

Mr. Calkins of Porter offered the following resolution :

*Resolved*, That the Clerk of the House be directed to furnish, each day of the session, a sufficient number of printed calendars, showing the number of the House and Senate Bills on their second and third reading, and the order in which they will be read ; together with the joint or concurrent resolutions of the House or Senate, or bills of the House or Senate, which are made the special order for such day, giving the time when such special order or orders are to be considered.

Which was agreed to.

Mr. Neff moved a suspension of the rules, to allow him to introduce two bills.

Which was agreed to.

Mr. Neff introduced

House Bill No. 342. Entitled an act to repeal all laws now in force authorizing the levy and collection of any tax for State Debt Sinking Fund purposes.

Which was read a first time, and passed to a second reading.



Mr. Neff introduced

House Bill No. 343. An act to raise revenue for State purposes after the years 1871 and 1872, and for subsequent years.

Which was read a first time, and passed to a second reading.

Mr. Taylor introduced

House Bill No. 344. An act supplemental to an act entitled "An act in relation to the fees of county officers," etc.

Which was read a first time.

Mr. Taylor moved that the bill be referred to a special committee of three, with instructions to report as soon as practicable.

Mr. Stephenson offered the following amendment to the instructions :

Amend by instructing said committee to report an amendment depriving the auditor of the fees he now receives for taking charge of the school fund.

Mr. Holland moved to increase the number of the committee from three to eleven.

Which was not agreed to.

The question recurring on the motion of Mr. Stephenson,

It was agreed to.

The question recurred on the motion of Mr. Taylor,

It was agreed to.

The Speaker then announced the following as the special committee :

Messrs. Taylor, McDonald, and Cauthorn.

Leaves of absence for to-morrow were granted to Messrs. Wymer, Ray, and Heilman.

Mr. Major offered the following resolution :

WHEREAS, The vexed question of fees and salaries has been dis-

posed of, and there being no further need of a clerk for the committee on "fees and salaries," therefore be it

*Resolved*, That said committee be requested to discharge their clerk immediately.

Which was agreed to.

When,

On motion of Mr. Warrum,

The House took a recess until two o'clock.

FRIDAY, FEBRUARY 17, 1871, 2 O'CLOCK P. M.

The House met.

Mr. Gordon, of Boone, moved a call of the House.

Which was agreed to.

*Those who answered to their names were, Messrs.*

Biggs,	Gentry,	McDowell,
Britton,	Goble,	McFarland,
Browning,	Gordon of Boone,	McGowan,
Barnaby,	Gordon of Cass,	Minick,
Bruner,	Hartley,	Miles,
Caldwell,	Hawley,	Millikan,
Calkins of Fulton,	Haynes,	Monroe,
Calkins of Porter,	Hendry,	Montgomery,
Cauthorn,	Hill,	Netherton,
Coggsell,	Holland,	Rawles,
Conner,	Hooker,	Rice,
Copner,	Hynes,	Ruddell,
Cox,	Kennedy,	Sabin,
Curtis,	King,	Sansberry,
Davidson,	Kirkpatrick,	Shutt,
Deputy,	Lines,	Snodgrass,
Devol,	Major,	Stanley,
Donham,	Martin of Putnam,	Stephens,
Friedley,	McDonald,	Stephenson,

Stone,	Washburn,	Wymer,
Tarlton,	Warrum,	Wood,
Taylor,	Williams,	Woodard,
Tebbs,	White,	Zenor,
Walker,	Wilson,	Mr. Speaker—71.

When,

On motion of Mr. Zenor,

Further proceedings under the call were dispensed with.

Under the order of the House, made this morning, the House resolved itself into a committee of the whole, for the consideration of House Bill No. 163, an act to regulate insurance companies.

Mr. McDonald in the Chair.

After some time spent therein, the committee rose and made the following report:

MR. SPEAKER:

The committee of the whole House, to whom was referred House Bill No. 163, an act to regulate insurance companies, and pending amendments thereto, have had the same under consideration, have passed upon it by sections, and beg to report the same back to the House with the following amendments thereto, and that when said bill is so amended, the committee recommend its passage:

Amend section 3, as follows:

Strike out all after the word "or," in the eighth line of said section.

Amend section 4, as follows:

Strike out all after the word "each," in the third line of said section, and insert the following: "Nor shall any company be allowed to transact business as a mutual insurance company, until a guaranteed capital of not less than one hundred thousand dollars in securities, as specified in section 5 of this act, shall have been paid in and deposited with the Treasurer of State."

Insert the following as a substitute for section 5:

"The guarantee stock shall be invested in United States bonds, or loaned and secured on bonds or mortgages on unincumbered real estate in the State of Indiana, worth fifty per cent. more than the

sum loaned thereon, till interest on deposits shall accrue to the benefit of the company making such deposit; *Provided*, That if, at any time, upon the examination of such deposits by the commissioners provided for in this act, it shall be ascertained that the bonds or real estate so mortgaged shall be found to have depreciated below the amount specified in this act, it shall be the duty of the commissioner to notify the secretary of said company of such deficiency, and if said company fails to deposit additional securities to the required amount, the Auditor of State shall revoke the licenses of all agents of such company."

Strike out section 11.

Strike out section 14, and insert in lieu thereof:

SEC. 14. It shall be lawful for any married woman, by herself and in her name, or in the name of any third person, with his assent as her trustee, to cause to be insured, for her sole use, the life of her husband for any definite period, or for the term of his natural life; and in case of her surviving such period or term, the sum or net amount of the insurance becoming due and payable by the terms of the insurance, shall be payable to her, to and for her own use, free from the claims of the representatives of the husband, or of any of his creditors, or any party or parties claiming by, through, or under him. But when the premium paid in any year out of the property or funds of the husband shall exceed five hundred dollars, such exemption from such claims shall not apply to so much of said premium so paid as shall be in excess of five hundred dollars, but such excess, with the interest thereon, shall inure to the benefit of his creditors. The amount of the insurance may be made payable, in case of the death of the wife before the decease of her husband, to the husband, or to his, her, or their children, for their use, as shall be provided in the policy of insurance, and to their guardian, if under age. All policies of life insurance issued in this State, prior to the passage of this act, shall have the same force and effect as if issued under this act.

Amend section 15 by striking out the words "ninety days," in line two of said section, and insert in lieu thereof the words "one hundred and eighty days."

Amend section 22 as follows:

"And the above fees shall be paid into the treasury to the credit of the insurance fund."

Amend section 24, as follows:

By striking out the words "two dollars," in the third line, and inserting "one dollar and fifty cents;" and, also, by striking out the word "net," in the fourth line, and inserting the word "gross." Also insert after the word "received," in line eight, the following: "And of all amounts paid out in this State for losses and expenses."

Amend section 27, as follows:

Strike out, in line 9, "such," and insert "all." Also, after the word "shall," in line twenty, insert "be deemed guilty of a misdemeanor, and upon conviction thereof shall."

Amend section 30 as follows:

Strike out "five," and insert in lieu thereof "one," also by adding after the word "agent," "or special agent."

Amend section 33 as follows:

Strike out of line five "twenty-five," and insert in lieu thereof "ten."

Amend section 35 as follows:

Insert in line twelve after the word "Auditor," the words "and Governor."

Amend section 41 as follows:

Strike out all after the word "act," in line four, and insert in lieu thereof the following: "all charges, fees, and receipts, of every kind and description whatever, collected under the provisions of this act, after the payment of the salaries and fees herein provided for, to the officers entitled thereto, shall be placed to the credit of the common school fund of this State, to form a part thereof."

Strike out the emergency section, and insert as section 42 the following:

*And be it further enacted*, that all companies doing the business of Life Insurance in the State of Indiana, shall invest or loan on real estate securities, situated within this State, not less than sixty per cent of their net receipts of each company within the State each year, and the same, or an amount equal to the necessary reserve, based on four per cent. interest, on all risk held by each company within this State, shall be kept within this State, so long as such risks are in force.

A message from the Senate by the Secretary thereof.

MR. SPEAKER:

I am directed by the President of the Senate to inform the House, that the Senate has passed engrossed House Bill No. 48, being a bill entitled a bill for an act supplemental to an act, entitled "An act to authorize and encourage the construction of levees, dykes and drains, and the reclamation of wet and overflowed lands by incorporated companies, and to repeal all former laws relating to the same subject," which act took effect May 22, 1869, and prescribing penalties for the violation of the provision thereof.

Said bill is herewith transmitted for the action of the House.

I am also instructed to inform you that the President of the Senate has signed enrolled House Act No. 173, entitled an act to fix the time of holding Circuit Courts and length of terms thereof, in the counties composing the Seventh Judicial Circuit of Indiana.

Which is herewith transmitted.

Mr. Rice offered the following resolution:

*Resolved*, That the principal and assistant clerks of the House be, and they are each hereby allowed the sum of \$200, for indexing, reading proof, and superintending the publication of the journal of the House at its present session.

Which was,

On motion,

Referred to the committee on ways and means.

Message from the Senate by the Secretary thereof:

MR. SPEAKER:

I am instructed to inform you that the President has signed Senate Enrolled Joint Resolution No. 9, entitled a joint resolution directing the disposition to be made of certain Indiana five per cent. bonds or stocks now in the custody of the Secretary of the Treasury of the United States.

Which is herewith transmitted to the House for the signature of the Speaker.

Mr. Stone moved that the constitutional rule requiring bills to be

read on three several days be suspended, so as to allow House Bill No. 342 to be taken up, read a second time by its title, and put upon its passage.

Under the constitutional rule, the ayes and noes were taken.

*Those who voted in the affirmative were, Messrs.*

Barnaby,	Hill,	Rice,
Beeler,	Holland,	Ruddell,
Biggs,	Hooker,	Sabin,
Bruner,	Hynes,	Sansberry,
Calkins of Fulton,	King,	Sayers,
Calkins of Porter,	Kirkpatrick,	Simpson,
Cauthorn,	Knight,	Shutt,
Coggsell,	Lines,	Snodgrass,
Conner,	Major,	Stanley,
Copner,	Martin of Wayne,	Stephens,
Cox,	Martin of Putnam,	Stephenson,
Cunningham,	McDonald,	Stone,
Curtis,	McDowell,	Taylor,
Deputy,	McFarland,	Tebbs,
Devol,	McGowan,	Walker,
Donham,	Minick,	Washburn,
Friedley,	Miles,	Warrum,
Furnas,	Millikan,	White,
Gallentine,	Monroe,	Williams,
Goble,	Myers,	Wilson,
Gordon of Boone,	Neff,	Wood,
Hartley,	Netherton,	Woodward,
Hawley,	Rawles,	Wymer,
Haynes,	Rhodes,	Zenor—72.
Henderson,		

Mr. Browning voting in the negative.

So the constitutional rule was suspended.

House Bill No. 342, entitled an act to repeal all laws now in force authorizing the levy and collection of any tax for State Debt Sinking Fund purposes.

Which was read a second time by its title, and a third time by sections.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Barnaby,	Hendry,	Ruddell,
Beeler,	Hill,	Sabin,
Biggs,	Holland,	Sansberry,
Britton,	Hynes,	Sayers,
Browning,	King,	Shutt,
Bruner,	Kirkpatrick,	Snodgrass,
Butterworth,	Knight,	Stanley,
Caldwell,	Lines,	Stephenson,
Calkins of Fulton,	Major,	Stone,
Calkins of Porter,	Martin of Wayne,	Strickland,
Cauthorn,	Martin of Putnam,	Tarleton,
Cox,	McDonald,	Taughinbaugh,
Copner,	McFarland,	Taylor,
Cunningham,	Minick,	Tebbs,
Coggsell,	Miles,	Walker,
Davidson,	Millikan,	Washburn,
Defrees,	Monroe,	Warrum,
Donham,	Montgomery,	White,
Deputy,	Myers,	Williams,
Furnas,	Neff,	Wilson,
Friedley,	Netherton,	Wood,
Gallentine,	Ray,	Woodward,
Gentry,	Rawles,	Wymer,
Goble,	Rhodes,	Zenor,
Henderson,	Rice,	Mr. Speaker—79.

There being no one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Clerk inform the Senate of the passage of the bill.

Mr. Stone moved that the constitutional rule, requiring bills to be



read on three several days, be suspended, so as to allow House Bill No. 343 to be taken up, read a second time by its title, and put upon its passage.

The ayes and noes were taken under the constitutional rule.

*Those who voted in the affirmative were, Messrs.*

Barnaby,	Hill,	Rice,
Beeler,	Holland,	Ruddell,
Biggs,	Hooker,	Sabin,
Bruner,	Hynes,	Sansberry,
Calkins of Fulton,	King,	Sayers,
Calkins of Porter,	Kirkpatrick,	Simpson,
Cauthorn,	Knight,	Shutt,
Coggsell,	Lines,	Snodgrass,
Conner,	Major,	Stanley,
Copner,	Martin of Wayne,	Stephens,
Cox,	Martin of Putnam,	Stephenson,
Cunningham,	McDonald,	Stone,
Curtis,	McDowell,	Taylor,
Deputy,	McFarland,	Tebbs,
Devol,	McGowan,	Walker,
Donham,	Minick,	Washburn,
Friedley,	Miles,	Warrum,
Furnas,	Millikan,	White,
Gallentine,	Monroe,	Williams,
Goble,	Myers,	Wilson,
Gordon of Boone,	Neff,	Wood,
Hartley,	Netherton,	Woodward,
Hawley,	Rawles,	Wymer,
Haynes,	Rhodes,	Zenor—72.
Henderson,		

Mr. Browning voting in the negative.

House Bill No. 343. Entitled an act to raise revenue for State purposes for the years 1871 and 1872, and subsequent years.

Which was read a second time by its title, and a third time by sections.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Barnaby,	Haynes,	Rice,
Beeler,	Henderson,	Ruddell,
Biggs,	Hendry,	Sabin,
Britton,	Hill,	Sansberry,
Browning,	Holland,	Sayers,
Bruner,	Hooker,	Shutt,
Caldwell,	King,	Snodgrass,
Calkins of Fulton,	Kirkpatrick,	Stephens,
Calkins of Porter,	Knight,	Stephenson,
Cauthorn,	Lines,	Stone,
Coggswell,	Major,	Strickland,
Copner,	Martin of Wayne,	Tarlton,
Cox,	Martin of Putnam,	Taughinbaugh,
Cunningham,	McDonald,	Tebbs,
Davidson,	McDowell,	Taylor,
Deputy,	McFarland,	Walker,
Devol,	McGowan,	Washburn,
Donham,	Minick,	Warrum,
Friedley,	Miles,	White,
Furnas,	Millikan,	Williams,
Gallentine,	Monroe,	Wilson,
Gentry,	Montgomery,	Wood,
Goble,	Myers,	Woodward,
Gordon of Cass,	Neff,	Wymer,
Hardin,	Netherton,	Zenor,
Hartley,	Rawles,	Mr. Speaker—84.
Hawley,	Rhodes,	

There being no one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Clerk inform the Senate of the passage of the bill.

Mr. Calkins of Porter offered the following resolution :

*Resolved*, That the Principal and Assistant Clerk of the House be and they are each hereby allowed to draw one hundred dollars' worth of stationery for their use respectively.

Which was agreed to.

When,

On motion of Mr. Calkins of Porter,  
The House adjourned.

## SATURDAY MORNING.

FEBRUARY 18, 1871, 9 O'CLOCK.

The House met.

Prayer by the Rev. W. F. Black.

The Journal of yesterday was read, whereupon

Mr. Ruddell moved that the Journal be corrected by inserting the following at the proper place :

“Mr. Ruddell asked the Speaker to state what the point ruled upon was, that he might amend his appeal.

“The Speaker refused to inform the House what the point decided was, and decided that the appeal could not be amended.

“Mr. Ruddell asked leave to appeal from that decision, which the Speaker refused to entertain.”

Mr. McDonald moved to lay the motion on the table.

On which the ayes and noes were demanded by Messrs. Ruddell and Biggs.

*Those who voted in the affirmative were, Messrs.*

Barnaby,	Devol,	Henderson,
Britton,	Donham,	Holland,
Browning,	Galentine,	Hynes,
Bruner,	Gentry,	McDonald,
Caldwell,	Goble,	McDowell,
Cauthorn,	Gordon of Cass,	McFarland,
Coggsell,	Hardin,	McGowan,
Cox,	Hartley,	Minick,
Cunningham,	Hawley,	Montgomery,
Curtis,	Haynes,	Neff,

Rice,	Stephens,	Tebbs,
Sansberry,	Tarlton,	Warrum,
Shutt,	Taughinbaugh,	Zenor—40.
Stanley,		

*Those who voted in the negative were, Messrs.*

Beeler,	Kirkpatrick,	Sayers,
Biggs,	Knight,	Snodgrass,
Butterworth,	Major,	Stephenson,
Calkins of Fulton,	Martin of Wayne,	Stone,
Calkins of Porter,	Martin of Putnam,	Strickland,
Conner,	Millikan,	Taylor,
Copner,	Monroe,	Washburn,
Deputy,	Myers,	White,
Friedley,	Netherton,	Williams,
Gordon of Boone,	Rawles,	Wilson,
Hooker,	Rhodes,	Wood,
Kennedy,	Ruddell,	Woodard—30.
King,	Sabin,	

Pending the roll call,

Mr. Ruddell, when his name was called, arose to explain his vote, which was decided by the Speaker to be out of order, unless by the unanimous consent of the House.

Mr. Ruddell submitted the following appeal :

The Speaker having decided that a member may not explain his vote upon the call of the ayes and noes, without unanimous consent of the House, the undersigned respectfully appeal from said decision.

(Signed)

JAS. H. RUDDELL,  
HIRAM S. BIGGS.

The Clerk was directed to proceed with the calling of the roll.

After the calling of the roll, the result of the vote not being announced,

Mr. Cauthorn asked that his name be called.

Which was objected to, on account of his not having been within

the bar of the House at the commencement of the calling of the roll.

Mr. Neff moved that Mr. Cauthorn be allowed to record his vote on the motion to correct the Journal.

On which the ayes and noes were demanded by Messrs. Calkins of Porter and Biggs.

*Those who voted in the affirmative were, Messrs.*

Barnaby,	Goble,	Neff,
Britton,	Gordon of Cass,	Rice,
Browning,	Hardin,	Sansberry,
Bruner,	Hartley,	Shutt,
Butterworth,	Hawley,	Stanley,
Caldwell,	Haynes,	Stephens,
Cogswell,	Henderson,	Stone,
Copner,	Holland,	Tarlton,
Cox,	Hynes,	Taughinbaugh,
Cunningham,	McDonald,	Taylor,
Curtis,	McDowell,	Tebbs,
Devol,	McFarland,	Walker,
Donham,	McGowan,	Warrum,
Gallentine,	Minick,	Zenor,
Gentry,	Montgomery,	Mr. Speaker—45.

*Those who voted in the negative were, Messrs.*

Beeler,	Knight,	Sabin,
Biggs,	Major,	Sayers,
Calkins of Fulton,	Martin of Wayne,	Snodgrass,
Calkins of Porter,	Martin of Putnam,	Stephenson,
Conner,	Millikan,	Strickland,
Deputy,	Monroe,	Washburn,
Friedley,	Myers,	White,
Gordon of Boone,	Netherton,	Wilson,
Hooker,	Rawles,	Wood,
Kennedy,	Rhodes,	Woodward—33.
King,	Ruddell,	

So the motion to allow Mr. Cauthorn to record his vote prevailed.

Mr. Ruddell in his remarks upon the subject of the appeal was called to order by Mr. Cauthorn, who asked that the following words be taken down:

"The Speaker, addressing Mr. Ruddell: 'I shall be compelled to call upon the power of the House to seat you.'

"Mr. Ruddell in reply said, 'Yes sir, and I despise that power.'"

The question recurring on the adoption of the appeal submitted by Mr. Ruddell and Biggs on the decision of the chair, to the effect that explanations of votes on a motion to lay on the table were not in order.

The ayes and noes were demanded by Messrs. Rawles and Biggs.

The question being, shall the decision of the chair be sustained?

*Those who voted in the affirmative were, Messrs.*

Barnaby,	Goble,	Montgomery,
Britton,	Gordon of Cass,	Neff,
Browning,	Hardin,	Oatley,
Bruner,	Hartley,	Rice,
Caldwell,	Hawley,	Sansberry,
Cauthorn,	Haynes,	Shutt,
Coggsell,	Henderson,	Stanley,
Copner,	Holland,	Stephens,
Cox,	Hynes,	Tarlton,
Cunningham,	McDonald,	Taughinbaugh,
Curtis,	McDowell,	Taylor,
Devol,	McFarland,	Tebbs,
Donham,	McGowan,	Walker,
Galentine,	Minick,	Zenor—44.
Gentry,	Miles,	

*Those who voted in the negative were, Messrs.*

Beeler,	Hooker,	Monroe,
Biggs,	Kennedy,	Myers,
Calkins of Porter,	Knight,	Netherton,
Conner,	Major,	Rawles,
Deputy,	Martin of Wayne,	Rhodes,
Friedley,	Millikan,	Ruddell,

Sabin,	Stone,	Williams,
Sayers,	Strickland,	Wilson,
Simpson,	Washburn,	Wood—29.
Stephenson,	White,	

So the decision of the chair was sustained.

Whereupon the speaker announced that the motion to correct the Journal did not prevail.

Mr. Stone offered the following concurrent resolution :

*Resolved*, That in the opinion of this House, the Senate concurring, the usefulness of this session of the present General Assembly is at an end, and, therefore, the best interests of the State require an adjournment of the same, and, therefore, it do now adjourn *sine die*.

Mr. McDonald moved to lay the resolution on the table.

On which the ayes and noes were demanded by Messrs. Biggs and Rawles.

*Those who voted in the affirmative were, Messrs.*

Barnaby,	Gordon of Cass,	Netherton,
Beeler,	Hardin,	Rawles,
Britton,	Hartley,	Rice,
Browning,	Hawley,	Sansberry,
Bruner,	Haynes,	Simpson,
Butterworth,	Henderson,	Shutt,
Caldwell,	Holland,	Stanley,
Calkins of Porter,	Hynes,	Stephens,
Cauthorn,	King,	Tarlton,
Coggsell,	Knight,	Taylor,
Copner,	Major,	Taughinbaugh,
Cox,	McDonald,	Tebbs,
Cunningham,	McDowell,	Walker,
Curtis,	McFarland,	Washburn,
Devol,	McGowan,	Wood,
Donham,	Minick,	Woodward,
Gallentine,	Miles,	Zenor,
Gentry,	Montgomery,	Mr. Speaker—55.
Goble,	Neff,	



*Those who voted in the negative were, Messrs.*

Biggs,	Monroe,	Sayers,
Deputy,	Myers,	Stephenson,
Friedley,	Rhodes,	Stone,
Hooker,	Ruddell,	Strickland,
Millikan,	Sabin,	Williams—16.

So the resolution was laid on the table.

Mr. Netherton presented the petition of sundry voters of Starke county, asking a change in the boundary line of said county.

Which was,

On motion,

Referred to the committee on county and township business.

A message from the Senate, by the Secretary thereof:

MR. SPEAKER:

I am instructed by the Senate to inform the House that the President of the Senate has signed enrolled Senate Bill No. 4, entitled an act regulating the fees, salaries, and duties of certain officers therein named, and prescribing penalties for the violation of its provisions.

Which is herewith transmitted for the signature of Mr. Speaker.

Mr. Holland, from the special committee on House Bill No. 251, submitted the following report:

MR. SPEAKER:

Your special committee to whom was referred House Bill No. 251, have had the same under consideration, and have directed me to return the same back to the House, with the accompanying bill as a substitute, with the recommendation that the substitute pass.

Leaves of absence were granted to Messrs. Warrum and Snodgrass, for to-day, and Messrs. Hendry and Lines for an indefinite time. Also, to Mr. Rhodes, until Monday.

Mr. Browning moved that the constitutional rule, requiring bills to be read on three several days, be suspended so as to allow

engrossed Senate Bill No. 32, to be taken up, read a second time by its title, and put upon its passage.

The ayes and noes were taken under the rule.

*Those who voted in the affirmative were, Messrs.*

Barnaby,	Hawley,	Oatley,
Beeler,	Haynes,	Rawles,
Biggs,	Henderson,	Rhodes,
Britton,	Holland,	Rice,
Browning,	Hynes,	Ruddell,
Bruner,	Kennedy,	Sansberry,
Butterworth,	King,	Sayers,
Caldwell,	Knight,	Simpson,
Calkins of Porter,	Major,	Shutt,
Cauthorn,	Martin of Wayne,	Stephens,
Coggsell,	Martin of Putnam,	Stephenson,
Copner,	McDonald,	Stone,
Curtis,	McDowell,	Strickland,
Deputy,	McFarland,	Tarlton,
Devol,	McGowan,	Taughinbaugh,
Donham,	Minick,	Taylor,
Friedley,	Miles,	Tebbs,
Gallentine,	Millikan,	Washburn,
Goble,	Monroe,	White,
Gordon of Boone,	Montgomery,	Wood,
Gordon of Cass,	Myers,	Woodward,
Hardin,	Neff,	Zenor,
Hartley,	Netherton,	Mr. Speaker—69.

*Those who voted in the negative were, Messrs.*

Cox,	Cunningham,	Sabin—3.
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So the constitutional rule was suspended.

Senate Bill No. 32, entitled an act to fix the times of holding courts in the 28th Judicial Circuit.

Which was read a second time by its title and a third time by sections.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Barnaby,	Hartley,	Rawles,
Beeler,	Hawley,	Rhodes,
Biggs,	Haynes,	Rice,
Britton,	Henderson,	Ruddell,
Browning,	Holland,	Sabin,
Bruner,	Hooker,	Sansberry,
Butterworth,	Hynes,	Sayers,
Caldwell,	Kennedy,	Simpson,
Calkins of Porter,	Knight,	Shutt,
Cauthorn,	Major,	Stanley,
Coggsell,	Martin of Wayne,	Stephens,
Conner,	Martin of Putnam,	Stephenson,
Copner,	McDonald,	Stone,
Cox,	McDowell,	Strickland,
Cunningham,	McFarland,	Tarleton,
Curtis,	McGowan,	Taughinbaugh,
Deputy,	Minick,	Taylor,
Devol,	Miles,	Tebbs,
Donham,	Millikan,	Walker,
Friedley,	Monroe,	Washburn,
Gallentine,	Montgomery,	White,
Gentry,	Myers,	Williams,
Goble,	Neff,	Wood,
Gordon of Boone,	Netherton,	Zenor,
Gordon of Cass,	Oatley,	Mr. Speaker—76.
Hardin,		

There being no one voting in the negative.

So the the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Clerk inform the Senate of the passage of the bill.

When,

On motion of Mr. Browning,  
The House took a recess until 2 o'clock.

SATURDAY, FEBRUARY 18, 1871, 2 O'CLOCK P M.

The House met.

Mr. Stone, by unanimous consent, submitted the following report from the special committee on equalization of railroad taxation:

MR. SPEAKER:

The joint committee on the subject of the equalization of taxes on real estate and railroads, have had the same under consideration, and direct me to report the following bill, and request that the same be now read a first time, and placed on the files.

Which report was accepted.

Mr. Stone, from the special committee, introduced

House Bill No. 346, entitled an act to provide for the triennial appraisement and equalization of the appraisement of all railroad property within this State, for the purposes of taxation.

Which was read a first time, and ordered to a second reading.

Leave of absence was granted to Mr. Kennedy until Tuesday next.

Senate Bill No. 163, entitled an act to authorize the consolidation of hydraulic companies, and to define the powers of such consolidated companies.

Which was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Barnaby,	Caldwell,	Deputy,
Beeler,	Calkins of Porter,	Devol,
Biggs,	Coggsell,	Donham,
Britton,	Copner,	Gallentine,
Browning,	Cox,	Gentry,
Bruner,	Cunningham,	Goble,
Butterworth,	Curtis,	Gordon of Boone,

Gordon of Cass,	Miles,	Stanley,
Hardin,	Millikan,	Stephens,
Hartley,	Monroe,	Stephenson,
Hawley,	Montgomery,	Stone,
Haynes,	Myers,	Strickland,
Henderson,	Neff,	Tarlton,
Holland,	Netherton,	Taughinbangh,
Hooker,	Oatley,	Taylor,
Hynes,	Rawles,	Tebbs,
Major,	Rhodes,	Walker,
Martin of Wayne,	Rice,	Washburn,
Martin of Putnam,	Ruddell,	White,
McDonald,	Sabin,	Williams,
McDowell,	Sansberry,	Wilson,
McFarland,	Sayers,	Wood,
McGowan,	Simpson,	Zenor,
Minick,	Shutt,	Mr. Speaker—71.

There being no one voting in the negative.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

*Ordered*, That the Clerk inform the Senate of the passage of the bill.

Mr. Biggs moved that the constitutional rule, requiring bills to be read on three several days, be suspended so as to allow House Bill No. 202, to be read a second time by its title, and put upon its passage.

The ayes and noes were taken under the constitutional rule.

*Those who voted in the affirmative were, Messrs.*

Barnaby,	Browning,	Calkins of Porter,
Beeler,	Bruner,	Cauthorn,
Biggs,	Butterworth,	Coggsowell,
Britton,	Caldwell,	Copner,

Curtis,	Major,	Ruddell,
Deputy,	Martin of Wayne,	Sansberry,
Devol,	Martin of Putnam,	Sayers,
Donham,	McDonald,	Simpson,
Friedley,	McDowell,	Shutt,
Gallentine,	McFarland,	Stephens,
Goble,	McGowan,	Stephenson,
Gordon of Boone,	Minick,	Stone,
Gordon of Cass,	Miles,	Strickland,
Hardin,	Millikan,	Tarlton,
Hartley,	Monroe,	Taughinbaugh,
Hawley,	Montgomery,	Taylor,
Haynes,	Myers,	Tebbs,
Henderson,	Neff,	Washburn,
Holland,	Netherton,	White,
Hynes,	Oatley,	Wood,
Kennedy,	Rawles,	Woodward,
King,	Rhodes,	Zenor,
Knight,	Rice,	Mr. Speaker—69.

*Those who voted in the negative were, Messrs.*

Cox,	Cunningham,	Sabin—3.
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So the rule was suspended.

House Bill No. 202, entitled an act to amend the charter of the town of Bluffton.

Which was read a second time by its title, and a third time by sections.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Barnaby,	Caldwell,	Donham,
Beeler,	Calkins of Porter,	Friedley,
Biggs,	Coggsell,	Gallentine,
Britton,	Copner,	Goble,
Browning,	Cox,	Gordon of Boone,
Bruner,	Curtis,	Gordon of Cass,
Butterworth,	Deputy,	Hardin,

Hartley,	Minick,	Shutt,
Hawley,	Miles,	Stanley,
Haynes,	Millikan,	Stephens,
Henderson,	Monroe,	Stephenson,
Holland,	Montgomery,	Stone,
Hooker,	Myers,	Strickland,
Hynes,	Neff,	Tarlton,
Kennedy,	Netherton,	Taughinbaugh,
Major,	Oatley,	Tebbs,
Martin of Wayne,	Rhodes,	Washburn,
Martin of Putnam,	Rawles,	White,
McDonald,	Rice,	Wood,
McDowell,	Ruddell,	Zenor,
McFarland,	Sabin,	Mr. Speaker—64.
McGowan,	Sansberry,	

*Those who voted in the negative were, Messrs.*

Cunningham,	Taylor,	Wilson—5.
Gentry,	Williams,	

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Clerk inform the Senate of the passage of the bill.

Mr. Biggs moved that the constitutional rule, requiring bills to be read on three several days, be suspended so as to allow engrossed Senate Bill No. 152, to be read a second time by its title, and put upon its passage.

Under the constitutional rule, the ayes and noes were taken.

*Those who voted in the affirmative were, Messrs.*

Barnaby,	Browning,	Caldwell,
Beeler,	Bruner,	Calkins of Porter,
Biggs,	Butterworth,	Cauthorn,

Coggswell,	Knight,	Ruddell,
Copner,	Major,	Sansberry,
Curtis,	Martin of Wayne,	Sayers,
Deputy,	McDonald,	Simpson,
Devol,	McDowell,	Shutt,
Donham,	McFarland,	Stephens,
Friedley,	McGowan,	Stephenson,
Gallentine,	Minick,	Stone,
Goble,	Miles,	Strickland,
Gordon of Boone,	Millikan,	Tarlton,
Gordon of Cass,	Monroe,	Taughinbaugh,
Hardin,	Montgomery,	Taylor,
Hartley,	Myers,	Tebbs,
Hawley,	Neff,	Washburn,
Haynes,	Netherton,	White,
Henderson,	Oatley,	Wood,
Holland,	Rawles,	Woodward,
Hynes,	Rhodes,	Zenor,
Kennedy,	Rice,	Mr. Speaker—69.
King,		

*Those who voted in the negative were, Messrs.*

Cox,	Cunningham,	Sabin—3.
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So the constitutional rule was suspended.

Engrossed Senate Bill No. 152. An act to extend the time for the completion of railroads, in cases in which the time has been heretofore extended, and the roads are not yet finished.

Which was read a second time by its title, and a third time by sections.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Barnaby,	Bruner,	Cox,
Beeler,	Butterworth,	Cunningham,
Biggs,	Calkins of Porter,	Curtis,
Britton,	Coggswell,	Deputy,
Browning,	Copner,	Donham,



Gallentine,	McGowan,	Shutt,
Goble,	Minick,	Stanley,
Gordon of Boone,	Miles,	Stephens,
Gordon of Cass,	Millikan,	Stephenson,
Hardin,	Monroe,	Stone,
Hartley,	Montgomery,	Strickland,
Hawley,	Myers,	Tarlton,
Haynes,	Neff,	Taughinbaugh,
Henderson,	Netherton,	Taylor,
Holland,	Oatley,	Tebbs,
Hooker,	Rawles,	Walker,
Hynes,	Rhodes,	Washburn,
Major,	Rice,	White,
Martin of Wayne,	Ruddell,	Williams,
Martin of Putnam,	Sabin,	Wilson,
McDonald,	Sansberry,	Wood,
McDowell,	Sayers,	Zenor,
McFarland,	Simpson,	Mr. Speaker—69.

There being no one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered*, That the Clerk inform the Senate of the passage of the bill.

Mr. Biggs moved that the constitutional rule, which requires bills to be read on three several days, be suspended, so as to allow House Bill No. 345 to be taken up, read a second time by its title, and put upon its passage.

Under the constitutional rule, the ayes and noes were taken.

*Those who voted in the affirmative were, Messrs.*

Barnaby,	Biggs,	Browning,
Beeler,	Britton,	Bruner,

Butterworth,	Hynes,	Rhodes,
Caldwell,	Kennedy,	Rice,
Calkins of Porter,	King,	Ruddell,
Cauthorn,	Knight,	Sansberry,
Coggsell,	Major,	Sayers,
Copner.	Martin of Wayne,	Simpson,
Curtis,	Martin of Putnam,	Shutt,
Deputy,	McDowell,	Stephens,
Devol,	McDonald,	Stephenson,
Donham,	McFarland,	Stone,
Friedley,	McGowan,	Strickland,
Gallentine,	Minick,	Tarlton,
Goble,	Miles,	Taughinbaugh,
Gordon of Boone,	Millikan,	Taylor,
Gordon of Cass,	Monroe,	Tebbs,
Hardin,	Montgomery,	Washburn,
Hartley,	Myers,	White,
Hawley,	Neff,	Wood,
Haynes,	Netherton,	Woodard,
Henderson,	Oatley,	Zenor,
Holland,	Rawles,	Mr. Speaker—69.

*Those who voted in the negative were, Messrs.*

Cox,	Cunningham,	Sabin—3.
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So the constitutional rule was suspended.

House Bill No. 345. An act fixing the time of holding courts in the several counties composing the First Judicial Circuit of this State, repealing all laws conflicting therewith, and declaring an emergency.

Which was read a second time by its title and third time by sections.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Barnaby,	Britton,	Butterworth,
Beeler,	Browning,	Caldwell,
Biggs,	Bruner,	Calkins of Porter,

Cauthorn,	Hynes,	Ruddell,
Coggswell,	Kennedy,	Sabin,
Copner,	Major,	Sansberry,
Cox,	Martin of Wayne,	Shutt,
Cunningham,	Martin of Putnam,	Stanley,
Curtis,	McDonald,	Stephens,
Deputy,	McDowell,	Stephenson,
Donham,	McFarland,	Stone,
Friedley,	McGowan,	Strickland,
Gallentine,	Minick,	Tarlton,
Gentry,	Miles,	Taughinbaugh,
Goble,	Millikan,	Taylor,
Gordon of Boone,	Monroe,	Tebbs,
Gordon of Cass,	Montgomery,	Washburn,
Hardin,	Myers,	White,
Hartley,	Neff,	Williams,
Hawley,	Netherton,	Wilson,
Haynes,	Oatley,	Wood,
Henderson,	Rawles,	Zenor,
Holland,	Rhodes,	Mr. Speaker—72.
Hooker,	Rice,	

There being no one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Clerk inform the Senate of the passage of the bill.

Mr. Biggs moved that the constitutional rule, requiring bills to be read on three several days, be suspended, so as to allow Engrossed Senate Bill No. 48 to be taken up, read a second time by its title, and put upon its passage.

The ayes and nocs were taken under the constitutional rule.

*Those who voted in the affirmative were, Messrs.*

Barnaby,	Hawley,	Rawles,
Beeler,	Haynes,	Rhodes,
Biggs,	Henderson,	Rice,
Britton,	Holland,	Ruddell,
Browning,	Hynes,	Sansberry,
Bruner,	Kennedy,	Sayers,
Butterworth,	King,	Simpson,
Caldwell,	Knight,	Shutt,
Calkins of Fulton,	Major,	Stephens,
Cauthorn,	Martin of Wayne,	Stephenson,
Coggsell,	Martin of Putnam,	Stone,
Copner,	McFarland,	Strickland,
Curtis,	McGowan,	Tarlton,
Deputy,	Minick,	Taughinbaugh,
Devol,	Miles,	Taylor,
Donham,	Millikan,	Tebbs,
Friedley,	Monroe,	Washburn,
Gallentine,	Montgomery,	White,
Goble,	Myers,	Wood,
Gordon of Boone,	Neff,	Woodward,
Gordon of Cass,	Netherton,	Zenor,
Hardin,	Oatley,	Mr. Speaker—69.
Hartley,		

*Those who voted in the negative were, Messrs.*

Cox,	Cunningham,	Sabin—3.
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So the constitutional rule was suspended.

Engrossed Senate Bill No. 48. An act supplemental to an act entitled "An act to authorize and encourage the construction of levees, dykes and drains, and the reclamation of wet and overflowed lands, and to repeal all former laws relating to the same subject," which act took effect May 22, 1869, and prescribing penalties for the violation of the provisions thereof.

Which was read a second time by its title, and a third time by sections.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Barnaby,	Henderson,	Oatley,
Beeler,	Hooker,	Rawles,
Biggs,	Hynes,	Rice,
Browning,	Kennedy,	Ruddell,
Butterworth,	Martin of Wayne,	Sabin,
Caldwell,	Martin of Putnam,	Shutt,
Calkins of Porter,	McDowell,	Stanley,
Canthorn,	McFarland,	Stephenson,
Cogswell,	McGowan,	Stone,
Copner,	Miles,	Strickland,
Deputy,	Millikan,	Taylor,
Friedley,	Monroe,	Washburn,
Goble,	Montgomery,	White,
Gordon of Boone,	Myers,	Williams,
Hardin,	Neff,	Wilson,
Hawley,	Netherton,	Wood—49.
Haynes,		

*Those who voted in the negative were, Messrs.*

Britton,	Gallentine,	Sansberry,
Bruner,	Gentry,	Stephens,
Cox,	Gordon of Cass,	Taughinbaugh,
Cunningham,	Hartley,	Tebbs,
Curtis,	McDonald,	Zenor,
Donham,	Minick,	Mr. Speaker—18.

So the bill failed to pass for want of a constitutional majority.

Mr. Sansberry, in explanation of his vote, said :

MR. SPEAKER :

I do not think it just that the assessment should draw more than six per cent. interest, hence I vote no.

Leave of absence was granted to Mr. Major, until Monday.

Mr. Martin of Putnam called up his motion to reconsider the report from the judiciary committee, fixing the salary of the employes of the Doorkeeper.

Mr. Cauthorn moved to lay the motion on the table.

On which the ayes and noes were demanded by Messrs. Martin of Putnam and Biggs.

*Those who voted in the affirmative were, Messrs.*

Britton,	Martin of Wayne,	Neff,
Butterworth,	McDonald,	Sayers,
Cauthorn,	Minick,	Stone,
Holland,	Miles,	Zenor—12.

*Those who voted in the negative were, Messrs.*

Barnaby,	Hardin,	Rice,
Beeler,	Hartley,	Ruddell,
Biggs,	Hawley,	Sansberry,
Browning,	Haynes,	Shutt,
Bruner,	Henderson,	Stanley,
Caldwell,	Hooker,	Stephens,
Calkins of Porter,	Hynes,	Strickland,
Coggsell,	Martin of Putnam,	Tarlton,
Copner,	McDowell,	Taughinbaugh,
Cox,	McFarland,	Taylor,
Cunningham,	McGowan,	Tebbs,
Curtis,	Millikan,	Washburn,
Deputy,	Monroe,	White,
Friedley,	Montgomery,	Williams,
Gallentine,	Myers,	Wood,
Gordon of Boone,	Netherton,	Mr. Speaker—51.
Gordon of Cass,	Rawles,	

No quorum voting.

The Speaker ordered a call of the House.

Pending which,

Mr. Williams moved that further proceedings under the call be dispensed with.

Which was agreed to.

Mr. Stone, from the special committee on the subject of assessments and railroad tax, submitted the following report:

MR. SPEAKER:

The joint committee on the subject of equalization of the appraisalment of real estate, and on the subject of railroad assessments and taxation, have instructed me to return the petition of citizens of Parke county, asking for the passage of a law authorizing the treasurer of said county to withhold a certain tax levied in said county in aid of the construction of two railroads passing through said county, and to ask that said committee be relieved from the consideration of said subject, as the subject thereof is foreign to the purpose for which said joint committee was appointed, and recommend that said petitions lie on the table.

Which report was concurred in.

Also, the following report:

MR. SPEAKER:

The joint special committee on the subject of the equalization of the tax on real estate and railroads, to whom was referred House Bill No. 320, an act requiring railroad companies, and other corporations, and persons named, manufacturing for sale on rolling machinery, or other property, to list the same for taxation, or other manufacturers, have had the same under consideration, and direct me to report the same back and recommend that it lie on the table, from the fact that the subject matter therein contained is embraced in a bill now pending in this House.

Which report was concurred in.

Mr. Williams offered the following resolution:

WHEREAS, There was a bill introduced on Friday last, on the subject of railroad corporations consolidating their stock, which bill is numbered 296, and was referred to committee on railroads; and,

WHEREAS, Said committee has not, as yet, reported on the same, therefore be it

*Resolved*, That said committee be instructed to make a report on said bill on or before the 20th day of February, 1871.

Which was agreed to.

Mr. Cauthorn moved that House Bill No. 213, an act regulating the fees and salaries of certain county officers, and repealing all laws in conflict therewith; and,

House Bill No. 206, an act regulating the salaries and compensation of county officers, and repealing all laws granting fees and perquisites to said officers inconsistent with this act, be laid on the table.

Which was agreed to.

Mr. McDonald offered the following resolution:

*Resolved*, That all clerks of the standing committees of this House, except Mr. Clark, who is now and has been discharging the duties of clerk to the judiciary, educational, railroad and joint committee of the Senate and House on the memorials of the business men convention; Mr. Wolf, clerk of the committee of public expenditures, and Mr. H. K. Wilson, clerk of the ways and means committee, be and the same are discharged from this date.

Mr. Miles moved to amend by striking out of said resolution the names of all clerks except Mr. Clark.

Mr. Minick moved to amend by retaining Messrs. Clark and Wilson.

Mr. Williams offered the following resolution:

*Resolved*, That when this House adjourn, it shall be until Monday next, at two o'clock.

Which was agreed to.

Mr. Millikan presented the petition of sundry citizens of Henry county, on the subject of repealing the law authorizing the levy of taxes to aid in the construction of railroads, and to repeal the law on the subject of gravel roads.

Which was,

On motion,

Referred to the committee on roads.

When,

On motion of Mr. Tebbs,

The House adjourned.



## MONDAY AFTERNOON.

FEBRUARY 20th, 1871, 2 O'CLOCK.

The House met.

The Journal of Saturday was then read in part, when,

On motion of Mr. Hartley,  
The further reading thereof was dispensed with.

Leave of absence for to-day, was granted to the committee on House of Refuge.

The unfinished business pending at last adjournment being the consideration of the motion of Mr. Martin of Putnam, to reconsider the vote on the report from the committee on the judiciary, fixing the per diem of the Doorkeeper's employes.

Mr. Copner moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being, shall the vote be reconsidered?

The ayes and noes were demanded by Messrs. Neff and Martin of Putnam.

*Those who voted in the affirmative were, Messrs.*

Beeler,	Copner,	Gordon of Cass,
Biggs,	Cunningham,	Hardin,
Browning,	Davidson,	Hartley,
Bruner,	Friedley,	Haynes,
Caldwell,	Gallentine,	Henderson,
Calkins of Porter,	Goble,	Hill,
Coggsell,	Gordon of Boone,	Holland,

Hooker,	Montgomery,	Stone,
Hynes,	Netherton,	Tarlton,
Kennedy,	Oatley,	Taughinbaugh,
King,	Rawles,	Taylor,
Kirkpatrick,	Rhodes,	Washburn,
Martin of Putnam,	Rice,	Warrum,
McDowell,	Sabin,	White,
McFarland,	Shutt,	Wilson,
McGowan,	Snodgrass,	Wood,
Millikan,	Stanley,	Wymer—54.
Monroe,		

*Those who voted in the negative were, Messrs.*

Abbett,	Devol,	Ray,
Britton,	Major,	Sansberry,
Butterworth,	McDonald,	Stephens,
Cauthorn,	Miles,	Zenor,
Curtis,	Neff,	Mr. Speaker—16.
Defrees,		

So the motion to reconsider prevailed.

The question recurring on concurring in the report of the committee.

Mr. Martin of Putnam moved to lay the report on the table.

Which was agreed to.

Mr. Martin of Putnam offered the following resolution :

*Resolved*, That the pay of the employes of the Doorkeeper of the House, shall be five dollars per day each, except his messenger, who shall receive three dollars per day, and that the Speaker is hereby directed to draw his warrant upon the Auditor in favor of said employes, in accordance herewith.

Mr. McDonald moved to amend as follows :

That the Doorkeeper's assistants named below, first, L. L. Dale; second, P. H. Hart; third, O. E. Smith; fourth, James P. Tyler; fifth, Samuel Marsh; sixth, R. P. Gibson; seventh, Jacob Webber;

be allowed five dollars per day, and all other employes three dollars per day.

Mr. Copner offered the following amendment as a substitute:

*Resolved, by the House of Representatives of the State of Indiana,*  
That the statutes of the State allows the Clerk and his assistants, the Doorkeeper and his assistants five dollars per day, therefore, the Speaker is directed to draw his warrants according to these instructions.

Which was agreed to.

The question recurring on the resolution as amended.

Mr. Neff moved to lay the whole matter on the table.

Which was not agreed to.

The question being, shall the resolution as amended prevail?

The ayes and noes were demanded by Messrs. Neff and Zenor.

*Those who voted in the affirmative were, Messrs.*

Beeler,	Holland,	Shutt,
Biggs,	Hynes,	Snodgrass,
Browning,	Kennedy,	Stanley,
Bruner,	King,	Stephens,
Caldwell,	Martin of Putnam,	Stephenson,
Calkins of Porter,	McDowell,	Stone,
Copner,	McFarland,	Tarlton,
Cunningham,	Monroe,	Taughinbaugh,
Davidson,	Montgomery,	Taylor,
Friedley,	Netherton,	Warrum,
Gallentine,	Oatley,	White,
Gordon of Cass,	Ray,	Williams,
Hardin,	Rawles,	Wilson,
Hartley,	Rhodes,	Wood,
Henderson,	Sabin,	Wymer,
Hill,	Sansberry,	Mr. Speaker—50.

*Those who voted in the negative were, Messrs.*

Abbett,	Butterworth,	Cauthorn,
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Curtis,	Kirkpatrick,	Sayers,
Defrees,	Major,	Strickland,
Devol,	McDonald,	Washburn,
Goble,	Neff,	Woodward,
Gordon of Boone,	Rice,	Zenor—18.

So the resolution as amended prevailed.

Message from the Governor, by John M. Commons, his Private Secretary :

EXECUTIVE DEPARTMENT,  
INDIANAPOLIS, February 18, 1871.

MR. SPEAKER :

I am directed by the Governor to respectfully inform the House that he has approved and signed enrolled Act No. 58, entitled an act to establish Superior Courts, defining their jurisdiction and providing for the election and compensation of the judges thereof; also,

Enrolled Act No. 177, entitled an act defining what counties shall constitute the Twenty-first Common Pleas District, and to fix the time of holding the courts therein, and repealing all laws inconsistent therewith; also,

Enrolled Act No. 180, entitled an act relative to the disability of circuit judges to hold and discharge the duties of their offices, and providing for the appointment of judges *pro tem.* during the disability of said judges; also,

Enrolled Act No. 173, entitled an act to fix the time of holding Circuit Courts, and length of terms thereof, in the counties composing the Seventh Judicial Circuit of Indiana; and that he has caused the said acts to be deposited in the office of the Secretary of State.

And also, that concurrent resolution No. 11, being a resolution in relation to the removal of the National Capitol, has been deposited in the office of the Secretary of State, and a copy thereof transmitted to each of our Senators and Representatives in Congress.

JOHN M. COMMONS,  
Private Secretary.

Mr. Stone introduced

House Joint Resolution No. 17, a joint resolution in relation to the transfer of the Soldiers' National Cemetery, at Gettysburg, to the General Government.

The question being, shall the joint resolution pass?

The ayes and noes were taken under the constitutional rule.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Hardin,	Rawles,
Beeler,	Haynes,	Rice,
Biggs,	Henderson,	Sabin,
Britton,	Hill,	Sansberry,
Browning,	Holland,	Shutt,
Bruner,	Hooker,	Snodgrass,
Butterworth,	Hynes,	Stanley,
Caldwell,	Kennedy,	Stephens,
Calkins of Fulton,	King,	Stephenson,
Calkins of Porter,	Kirkpatrick,	Stone,
Cauthorn,	Major,	Tarlton,
Cogswell,	Martin of Putnam,	Taughinbaugh,
Copner,	McDonald,	Taylor,
Cunningham,	McDowell,	Washburn,
Curtis,	McFarland,	Warrum,
Davidson,	McGowan,	White,
Defrees,	Monroe,	Williams,
Devol,	Montgomery,	Wilson,
Friedley,	Neff,	Wood,
Gallentine,	Netherton,	Wymer,
Goble,	Oatley,	Zenor,
Gordon of Boone,	Ray,	Mr. Speaker—67.
Gordon of Cass,		

There being no one voting in the negative.

So the joint resolution passed.

The question being, shall the title of the joint resolution stand as the title thereof?

It was so ordered.

*Ordered*, That the Clerk inform the Senate of the passage of the joint resolution.

Mr. Calkins of Porter offered the following resolution:

*Resolved*, That the committee of ways and means are hereby instructed to make suitable provision in the general appropriation bill for the fencing and preservation of the Tippecanoe Battle Ground, the same being now in a state of delapidation.

Which was agreed to.

Mr. Hardin offered the following resolution:

*Resolved*, That the committee on statistics and emigration be instructed to inquire into the expediency of enacting a law to encourage foreign emigration to the State, and the appointment of agents for the northern and southern portions thereof.

Which was agreed to.

Mr. Gordon of Cass presented the claim of Peter Armhier.

Which was,

On motion,

Referred to the committee on claims.

Mr. Davidson, by consent, introduced

House Bill No. 347. An act defining what counties shall constitute the Ninth, Eleventh, Twelfth and Twenty-Ninth Judicial Circuits, and fixing the times of holding the courts therein, and repealing all acts in conflict therewith, and declaring an emergency.

Which was read a first time, and,

On motion,

Referred to a special committee of five.

#### ENGROSSED SENATE AMENDMENT TO HOUSE BILL NO. 79.

Amend by inserting at the end of the third section the following:

*"And provided further*, That the provisions of this act shall not affect the rights or interests of railroad companies over such railroads as have been opened and put in operation by said companies."

Which was concurred in.

Mr. Holland moved that the resolution offered by Mr. McDonald, on Saturday, be taken up.

Which was agreed to.

*Resolved*, That all clerks of the standing committees of this House, except Mr. Clark, who is now and has been discharging the duties of clerk to the judiciary, educational and railroad, and joint committee of the Senate and House on the memorials of the business men's convention; Mr. Wolf, clerk of the committee on public expenditures, and Mr. H. K. Wilson, clerk of the ways and means committee, and the clerk of the committee on claims, be and the same are discharged from this date; and that the messenger of the committee on the judiciary be also discharged.

Mr. Biggs offered the following amendment:

Amend by discharging the messenger of the committee on the judiciary, also.

Which was accepted.

Mr. Kennedy moved that the whole matter be laid on the table.

Which was agreed to.

#### HOUSE BILLS ON SECOND READING.

House Bill No. 94. An act declaring all railroad companies in the State of Indiana, common carriers; to regulate the passenger fare and tariff of freights thereon; requiring to receive and discharge passengers and freights at all stations; prohibiting them from granting or giving passes to certain State and county officers, and providing jurisdiction and penalties for the enforcement of the provisions of this act.

Which was read a second time, and,

On motion,

Made the special order for Friday, February 24, at 10 o'clock, A. M.

House Bill No. 114. Entitled an act relating to boards of county commissioners, and requiring such boards to publish expenditures and allowances quarterly.

Which was read a second time, ordered to be engrossed, and passed to a third reading.

House Bill No. 178. An act to amend the 51st section of "An act to repeal all general laws now in force for the incorporation of cities," etc., approved March 14, 1867.

Which was read a second time, ordered to be engrossed, and passed to its third reading.

House Bill No. 193. An act to amend an act, supplemental to "An act for the opening, vacating, and changing of highways," approved March 9th, 1861.

Which was read a second time, ordered to be engrossed, and passed to its third reading.

Mr. Neff moved that the constitutional rule requiring bills to be read on three several days be suspended, so as to allow House Bill No. 203 to be taken up, read a second time by its title, and put upon its passage.

Under the constitutional rule the ayes and noes were taken.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Gentry,	Oatley,
Beeler,	Goble,	Ray,
Britton,	Gordon of Cass,	Rhodes,
Browning,	Hardin,	Rice,
Bruner,	Hartley,	Sabin,
Butterworth,	Haynes,	Sansberry,
Caldwell,	Henderson,	Shutt,
Calkins of Fulton,	Holland,	Stanley,
Calkins of Porter,	Hooker,	Stephens,
Cauthorn,	Hynes,	Stephenson,
Coggsell,	Martin of Putnam,	Tarleton,
Copner,	McDonald,	Taughinbaugh,
Cox,	McDowell,	Taylor,
Cunningham,	Miles,	Washburn,
Curtis,	Millikan,	Warrum,
Davidson,	Mitchell,	White,
Defrees,	Monroe,	Wood,
Devol,	Mortgomery,	Wymer,
Friedley,	Neff,	Zenor,
Gallentine,	Netherton,	Mr. Speaker—60.



*Those who voted in the negative were, Messrs.*

Biggs,	King,	Rawles,
Gordon of Boone,	Kirkpatrick,	Snodgrass,
Hill,	Major,	Wilson—10.
Kennedy,	McFarland,	

So the constitutional rule was not suspended.

House Bill No. 203, entitled "An act regulating general and special elections, and prescribing the duties of officers in relation thereto, and for the punishment of such officers for neglect of their duty, and for repealing all laws respecting general elections."

Which was read a second time.

The question being on the amendments reported from the committee of the whole House.

Mr. Sabin moved that the House concur in the report.

Which was agreed to.

And the bill ordered to be engrossed and passed to its third reading.

House Bill No. 209. An act allowing appeals from orders of Common Councils in certain cases.

Which was read a second time, ordered to be engrossed, and passed to a third reading.

House Bill No. 212. An act to regulate the weight of mineral coal, mined within the State.

Which was read a second time, ordered to be engrossed, and passed to its third reading.

House Bill No. 214. An act supplemental to an act entitled "An act authorizing county recorders and county surveyors to issue fee bills," approved March 3, 1855.

Which was read a second time, ordered to be engrossed, and passed to its third reading.

House Bill No. 218. An act to confirm and make valid, sales of

real estate in the State of Indiana, made by trustees, and by domestic and foreign executors, and declaring an emergency.

Which was read a second time, ordered to be engrossed, and passed to its third reading.

House Bill No. 221. An act regulating the sale of intoxicating liquors, and authorizing the collection by law of damages resulting from the sale of the same.

Which was read a second time, ordered to be engrossed and, passed to its third reading.

House Bill No. 222, entitled "An act to authorize the Board of county commissioners of the several counties, to purchase dockets for justices of the peace."

Which was read a second time, ordered to be engrossed, and passed to a third reading.

House Bill No. 223, entitled "An act relating to schools, and providing against re-distributing school funds in certain cases."

Which was read a second time, ordered to be engrossed, and passed to a third reading.

House Bill No. 225. An act to legalize the ordinances, acts, tax assessments, and resolutions of the board of trustees of the town of Noblesville, Indiana, during the year 1870.

Which was read a second time, ordered to be engrossed, and passed to its third reading.

House Bill No. 92. An act to amend sections 1, 25, and 33, of an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and declaring an emergency.

Which was read a second time, ordered to be engrossed, and passed to its third reading.

House Bill No. 230. An act to amend section 420 of an act entitled "An act to revise, simplify, and abridge the rules, practice, pleading, and forms in civil cases in the courts of this State, to abolish district forms of action at law, and to provide for the administration

of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June, 18, 1852.

Which was read a second time, ordered to be engrossed, and passed to its third reading.

House Bill No. 233, entitled an act to amend sections 453 and 455 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms, in civil cases, in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleadings and practice, without distinction between law and equity," and to repeal sections 445, 446, 447, 448, 449, 450 and 451 of said act.

Which was read a second time, ordered to be engrossed and passed to a third reading.

House Bill No. 235. An act to amend "An act to provide a treasury system for the State of Indiana, for the manner of receiving, holding, and disbursing the public moneys of the State, and for the safe keeping of the public moneys," passed March 1, 1859, notwithstanding the objection of the Governor, by adding a section thereto, affixing penalties for the violation of the provisions of said act.

Which was read a second time, ordered to be engrossed and passed to its third reading.

House Bill No. 245. An act to regulate the sale of drugs and medicines.

Which was read a second time.

Mr. Calkins of Porter, moved to strike out the emergency clause.

Which was agreed to.

The bill was then ordered to be engrossed and passed to its third reading.

House Bill No. 253, entitled an act authorizing the Auditor of State to make proper disposition of moneys arising from insurance companies.

Which was read a second time.

Mr. Neff moved to lay the bill on the table.

Which was not agreed to.

When the bill was ordered to be engrossed and passed to its third reading.

Mr. Calkins of Fulton, by unanimous consent, offered the following amendment to House Bill No. 193 :

“Insert in the proper place, “That publication shall be made in one of each of the political papers printed in said county: *Provided*, such papers, be published therein.

Which was agreed to.

House Bill No. 208, entitled an act to promote the science of medicine and surgery in the State of Indiana, and providing penalties for the violation of its provisions.

Mr. Biggs moved to strike out the enacting clause.

Mr. Cunningham moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question recurring on the motion of Mr. Biggs.

It was agreed to.

Mr. Davidson, from the committee on canals, submitted the following report:

MR. SPEAKER:

The committee on canals, to whom was referred the communication of his Excellency, the Governor, inclosing a memorial to this General Assembly from certain holders of certificates of stock of the Wabash and Erie Canal; and also the House concurrent resolution of Mr. Cox, in regard to the old internal improvement bonds of the State, have carefully and respectfully considered the same, and the subject to which they relate, and have instructed me to report that they deem legislative action upon the subject inadvisable;

and they therefore recommend that the further consideration of the documents so referred, and of the whole subject, be indefinitely postponed.

Which was accepted.

House Bill No. 121. An act to exempt two months' wages or salary from garnishee or foreign attachment.

Which was read a second time.

The question being, shall the amendments reported by the committee be concurred in?

It was agreed to, and the bill ordered to be engrossed and passed to its third reading.

House Bill No. 94. An act for the protection and further promotion of the agricultural and horticultural interests of the State, and creating the office of State Entomologist, defining his duties, fixing his salary, providing for the publication of his report, and appropriating money for his salary and necessary traveling expenses.

Which was read a second time.

Mr. Defrees offered the following amendment:

Strike out \$2,000 and insert \$1,500.

Which was not agreed to, and bill was engrossed and passed to its third reading.

The Speaker announced the following committee on Congressional apportionment bill:

Messrs. Heilman, Barnaby, Strickland, Martin of Wayne, Browning, Miles, Rhodes, Cox, McDowell, McDonald and Wood.

The Speaker announced the following special committee on Circuit Court bill of Ninth, Eleventh, Twelfth and Twenty-ninth Judicial Circuits:

Messrs. Davidson, Calkins of Porter, Washburn, Wymer, Galentine, Wood and Calkins of Fulton.

When,

On motion of Mr. Kennedy,

The House adjourned.

## TUESDAY MORNING.

FEBRUARY 21, 1871, 9 O'CLOCK.

The House met.

Prayer by the Rev. Mr. Holliday.

The Journal of yesterday was read in part, when,

On motion of Mr. Copner,

The further reading thereof was dispensed with.

Mr. Stone, from the special joint committee, submitted the following report:

MR. SPEAKER :

The joint committee on the subject of the equalization of assessment of real estate and railroads, have had the following bill under consideration, and direct me to report the same to the House, with a request that said bill be read a first time now and placed on the file.

Which was concurred in.

House Bill No. 348. An act to provide for the assessment and taxation of express, telegraph and freight companies.

Which was read a first time, and passed to a second reading.

Mr. Cauthorn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER :

The committee on judiciary, to whom was referred House Bill No. 131, entitled a bill supplemental to an act entitled "An act in relation to county treasurers," approved March 4, 1852, have had the same under consideration, and your committee are of the opinion that legislation is necessary on the subject-matter referred to in said bill, but are of the opinion that the bill does not secure the relief

and protection sought. Therefore, the committee direct me to report the same back with a substitute for for said bill, with the recommendation that the substitute pass.

Which was concurred in.

House Bill No. 349, which was introduced as a substitute for House Bill No. 131, a bill supplemental to an act entitled "An act in relation to county treasurers," approved June 4, 1852.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter, any person or persons holding a claim against any county in this State for services, or otherwise, which claim has or may be allowed to such person or persons by the board doing county business, or by any court authorized to make allowances against the county, such claim, when so allowed by the board of county commissioners, or by the courts authorized as aforesaid to make such allowance, shall be held, and they are hereby declared subject to all claims of indebtedness due the county for taxes, or otherwise, from the person or persons in whose favor such allowance was made, and no assignment or transfer of any allowance made to any person or persons by any board doing county business, or any court having authority to make such allowances as aforesaid, by the payee of such allowance, shall have the effect to hinder, delay, or estop such county from deducting the amount due such county from the person or persons in whose favor such allowance was made.

SEC. 2. It shall be the duty of the county auditor to draw his warrant on the county treasurer in favor of the person or persons in whose favor such allowance is made, or to their order, and no assignment or transfer of such warrant by the payee thereof, shall have the effect to hinder, delay, or estop the county treasurer from deducting the amount due such county from the original payee of such warrant when the same is presented for payment, and should the said warrant or order so presented be in excess of the amount of indebtedness of the payee of the same, then, in that event, the treasurer shall pay to the party presenting such warrant or order the excess, taking from the party so entitled a receipt for the full amount of said order, and giving, in return therefor, a receipt for the amount of such indebtedness against such payee: *Provided*, there be a sufficient amount of money in the treasury to liquidate said claim, or such excess.

SEC. 3. It is hereby declared that an emergency exists for the immediate taking effect of this act, it shall, therefore, be in force from and after its passage.

Which was read a first time.

Mr. McDonald, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House Bill No. 90, an act amending section 173 of an act entitled "An act to revise, simplify and abridge the rules, practice and pleading, in civil cases," etc., have had the same under consideration, and report the same back, with the recommendation that it pass.

Which was concurred in.

Mr. Henderson, from the judiciary committee, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House Bill No. 168, an act to apprehend fugitives from justice coming into this State from foreign States, have had the same under consideration, and report the same back, with the recommendation that it pass.

Which was accepted.

Mr. Furnas presented sundry petitions from citizens of Morgan county, in regard to the divorce laws of our State.

Which was,

On motion,

Referred to the committee on rights and privileges.

Also, a petition from the citizens of Hendricks county, on the subject of prison reform.

Which was,

On motion,

Referred to the committee on benevolent institutions.



Mr. Cox presented the petition of sundry citizens, asking for the repeal of the gravel road law.

Which was,

On motion,

Referred to the committee on highways.

Mr. Davidson presented a petition on the subject of prison reform.

Which was,

On motion,

Referred to the committee on benevolent institutions.

Mr. Davidson, from the judiciary committee, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House Bill No. 328, an act to amend the first section of an act entitled "An act to amend section one of an act entitled 'An act relative to the salaries of public officers,' " etc., have had the same under consideration, and report the same back with the recommendation that it lie on the table.

Which was concurred in.

Mr. St. John, from the judiciary committee, submitted the following report:

MR. SPEAKER:

The committee on judiciary, to whom was referred House Bill No. 243, entitled an act defining libel, and affixing the punishment therefor, have had the same under consideration, and direct me to report the same back with the recommendation that it pass.

Which was concurred in.

Mr. McDonald, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House Bill

No. 242, entitled a bill to provide for the paroling of prisoners who may be confined in any county jail for the non-payment of fines which may have been adjudged against them upon conviction of public offenses, have had the same under consideration, and beg leave to report the same back with the recommendation that it pass.

Which was concurred in.

Mr. Friedley, from the committee on judiciary, submitted the following report:

MR. SPEAKER:

The committee on judiciary, to whom was referred House Bill No. 250, entitled an act to amend section 45 of an act entitled "An act defining felonies and prescribing punishment therefor," approved June 10, 1852, have had the same under consideration, and direct me to report the same back to the House, with a substitute, and recommending the passage of the substitute.

Which was concurred in.

House Bill No. 250, introduced as a substitute for House Bill No. 250, entitled an act to amend section 45 of an act entitled "An act defining felonies, and prescribing punishment therefor," approved June 10, 1852.

*Be it enacted by the General Assembly of the State of Indiana,* That the 45th section of "An act defining felonies, and prescribing punishment therefor," approved June 10, 1852, be and the same is hereby amended to read as follows, to-wit:

SEC. 45. If any step-father shall have sexual intercourse with his step-daughter, knowing her to be such; or if any step-mother and her step-son shall have sexual intercourse together, having knowledge of their relationship; or if any parent shall have sexual intercourse with his or her child, knowing him or her to be such; or if any brother and sister, step-brother and step-sister, being of the age of sixteen or upwards, shall have sexual intercourse together, having knowledge of their consanguinity and relationship; or if any grand-parent shall have sexual intercourse with his or her grand-child, knowing him or her to be such; or if any first cousin, being of the age of sixteen years and upwards, shall have sexual inter-

course together, having knowledge of their relationship; every person so offending shall be deemed guilty of incest, and on conviction thereof shall be imprisoned in the State prison not less than two nor more than ten years, or may be imprisoned in the county jail for a period of not less than six nor more than twelve months; *Providing, however*, that this act shall not take effect nor be in force so far as the same relates to first cousins until the expiration of two years from and after its passage, and providing further, that this act shall not be so construed as to interrupt or interfere with the relation of husband and wife, so far as the same relates to first cousins, which relation of husband and wife existed prior to the taking effect of this act.

Which was read a first time, and passed to a second reading.

Mr. Friedley, from the judiciary committee, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House Bill No. 172, providing for the issuing of attachments, in certain cases, before the maturity of the debt on which such attachment may issue, have had the same under consideration, and report the same back to the House with the recommendation that it lie on the table, the committee being of the opinion that the law now in force is sufficient for the security of such claims.

Which report was concurred in.

Mr. Friedley, from the judiciary committee submitted the following report:

MR. SPEAKER:

Your committee to whom was referred resolution No. 22, directing them to inquire what legislation is necessary to secure a just, fair, and equitable assessment of taxable property, etc., have had the same under consideration, and report the same back, with the recommendation that it lie on the table.

Which was concurred in.

Mr. St. John, from the judiciary committee, submitted the following report:

MR. SPEAKER:

Your committee to whom was referred House Bill No. 317, an act for the relief of Emsley Wilson, declaring the title of the State of Indiana, to lot 59 in Monroe county, to be in said Wilson, his heirs and assignees, etc., have had the same under consideration, and report the same back, with the recommendation that it pass.

Which was agreed to.

Mr. Sansberry, from the committee on the organization of courts, submitted the following report:

MR. SPEAKER:

Your committee on the organization of courts, to whom was referred a resolution, asking said committee to inquire into the expediency of amending the present law, so as to require the attendance of petit jurors on the second, instead of the first day of the term, have had the same under serious and solemn consideration, and come to the conclusion that such a law would be very expedient. Your committee therefore beg leave to report the same back to the House, and recommend the author of said resolution, to prepare a bill in accordance with his resolution.

Which report was accepted.

Mr. Abbett, from the committee on education, submitted the following report:

MR. SPEAKER:

The committee on education, to whom was referred House Bill No. 311, entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof, approved March 5, 1855, have had the same under consideration, and recommend the following amendment; after the word "costs," in the eighth line on the seventh page, add the following proviso:

*Provided*, That this act shall not interfere with any loan of such school fund, made prior to the taking effect of this act, and when so amended, your committee recommend its passage.

Which report was accepted.

Mr. McDonald, from the committee on education, submitted the following report :

MR. SPEAKER :

The committee on education, to whom was referred House Bill No. 293, entitled an act authorizing the appropriation of money out of the State Treasury, for the use of the Indiana State University, located at Bloomington, Monroe county, have had the same under consideration, and have directed me to report the same back, with the recommendation that it pass with the following amendment, to-wit: strike out the words "thirty thousand," in the third and fourth lines of the first section, and insert the words "fifteen thousand five hundred."

Which report was accepted.

Mr. Miles, from the committee on railroads, submitted the following report:

MR. SPEAKER :

Your committee to whom was referred the message of the Governor, in relation to soldiers' cemeteries, and recommending certain conveyances of realty for light-house purposes, have had the same under consideration, and have directed me to report the same back, with the recommendation that the same be laid on the table, for the reason that bills have already been introduced upon said subjects.

Which report was concurred in.

Mr. Caldwell, from the committee on swamp lands, submitted the following report:

MR. SPEAKER :

The committee on swamp lands has instructed me to make the following report :

The committee on swamp lands, to whom was referred House Bill No. 8, being an act, entitled an act to amend "An act to authorize the construction of drains, etc.," have had the same under consideration, and would report the same back to the House, with the recommendation that it lie on the table.

Which report was concurred in.

Mr. Browning, from the military committee, submitted the following report:

MR. SPEAKER:

Your committee to whom was referred the Adjutant General's Report of the State of Indiana, have had the same under consideration, and have directed me to report the same back to the House, with a recommendation that the House cause three hundred copies thereof to be printed.

Which report was concurred in.

Mr. Coggsell, from the committee on fees and salaries, submitted the following report:

MR. SPEAKER:

Your committee to whom was referred House Bill No. 224, an act to provide for the payment of the salaries of Common Pleas Judges out of the State Treasury, and to provide for the payment of the docket fees of the Common Pleas Courts into the State Treasury, have had the same under consideration, and report the same back, with the following amendment to-wit: strike out all of section three to the word "it," in the fifth line of said section, leaving the emergency clause in force, and when so amended, recommend that the bill pass.

Which was agreed to.

Mr. Coggsell, from the committee on fees and salaries, submitted the following report:

MR. SPEAKER:

Your committee to whom was referred House Bill No. 28, an act regulating and fixing the salaries of certain officers therein mentioned, and prescribing their duties in certain cases, and fixing the pay of clerks or deputies employed by them, have had the same under consideration, and report the same back, with the recommendation that it lie on the table.

Which was concurred in.

Mr. Coggsell, from the committee on fees and salaries, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred Senate Bill No. 18, an act making it lawful for county recorders to demand and receive their fees for recording at the time any deed, mortgage, or other papers left for record, have had the same under consideration, and report the same back with the recommendation that it pass.

Which report was accepted.

Mr. Coggsell, from the committee on fees and salaries, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House Bill No. 53, entitled an act regulating the fees of county commissioners, beg leave to report the same back and recommend that it lie on the table.

Which report was concurred in.

A message from the Senate, by Mr. Harrison, Secretary thereof:

MR. SPEAKER:

I am instructed by the Senate to inform the House that the Senate has passed House Bill No. 185, a bill for the relief of George L. Reiter and Maria B. Reiter.

Also, House Bill No. 345, a bill fixing the time of holding courts in the several counties comprising the First Judicial Circuit of this State, and repealing all laws conflicting therewith, and declaring an emergency.

Also, Senate Bill No. 180, entitled a bill declaring public squares so marked on the plats of towns, not specially donated to any purpose, to be a grant for common school purposes, and authorizing school trustees, or the township trustee of such township, to take possession of and erect school buildings thereon.

All of which are herewith transmitted to the House for its action.

Mr. Coggsell, from the committee on fees and salaries, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House Bill No. 150, an act to amend sections one and three of an act entitled "An act regulating the docket fees of district attorneys," etc., have had the same under consideration, and report the same back with the recommendation that it lie on the table.

Which was concurred in.

Mr. Coggsell, from the committee on fees and salaries, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House Bill No. 240, an act regulating the fees and salaries of officers, and repealing former acts in relation thereto, approved March 2, 1855, beg leave to report the same back, recommending it lie on the table.

Which report was concurred in.

Mr. Britton, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

Your committee on rights and privileges, to whom was referred House Bill No. 184, entitled an act to exempt a homestead from forced sale in certain cases, and regulating proceedings under executions, would respectfully report that they have had the same under consideration, and recommend that the same be indefinitely postponed.

The question being, shall the report of the committee be concurred in?

The ayes and noes were demanded by Messrs. Beeler and Wilson.

*Those who voted in the affirmative were, Messrs.*

Abbott,

Ballenger,

Britton.



Browning,	Hendry,	Oatley,
Bruner,	Hill,	Ray,
Caldwell,	Holland,	Rawles,
Calkins of Fulton,	Hooker,	Rice,
Cauthorn,	Hynes,	Sabin,
Coggsell,	Kennedy,	Sansberry,
Copner,	King,	Shutt,
Cox,	Kirkpatrick,	Snodgrass,
Cunningham,	Knight,	Stanley,
Curtis,	McDonald,	Stephens,
Davidson,	McDowell,	St. John,
Devol,	McFarland,	Stone,
Friedley,	McGowan,	Tarleton,
Furnas,	Minick,	Taughinbaugh,
Gentry,	Miles,	Washburn,
Goble,	Mitchell,	Warrum,
Gordon of Boone,	Monroe,	Wilson,
Hardin,	Montgomery,	Wymer,
Hartley,	Neff,	Zenor,
Heilman,	Netherton,	Mr. Speaker—64.

*Those who voted in the negative were, Messrs.*

Beeler,	Gallentine,	Rhodes,
Biggs,	Guthrie,	Sayers,
Butterworth,	Haynes,	Taylor,
Calkins of Porter,	Henderson,	Wood,
Conner,	Major,	Woodward—17.
Defrees,	Martin of Wayne,	

So the report was concurred in.

Mr. Britton, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

The committee on rights and privileges have instructed me to make the following report:

The committee on rights and privileges, to whom was referred the petitions of various citizens of the State of Indiana, in regard to the divorce laws, have had the same under consideration, have

examined the present divorce law, and would report, that with the repeal of that portion of section 7 of the divorce laws of this State, which gives to the court discretionary power, that then the present law on the subject will be unexceptionable, and will compare favorably with that of any other State.

*Therefore*, In behalf of said committee, I herewith introduce a bill repealing said portion of said section 7, and ask that the same be put upon its passage.

Which report was concurred in.

House Bill No. 151. An act to amend section 7 of an act entitled "An act regulating the granting of divorces, nullification of marriages and decrees and orders of court incident thereto."

Which was read a first time, and,

On motion,

Referred to the judiciary committee.

Mr. King, from the committee on railroads, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House Bill No. 297, an act to provide for farm crossings across railroads, have had the same under consideration, and have directed me to report the same back to the House with the recommendation that the same be indefinitely postponed.

Mr. Calkins, of Porter, moved that the report be made the special order for Friday next at 10 o'clock, A. M., together with all bills on that subject.

Which was not agreed to.

Mr. Minick, from the committee on railroads, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House Bill No. 296, have had the same under consideration, and have directed me to report

the same back to the House, with the recommendation that the same be laid upon the table.

Which was,

On motion,

Made the special order for Friday next, at 10 o'clock, A. M.

Mr. Kennedy, from the committee on county and township business, submitted the following report :

MR. SPEAKER:

Your committee on county and township business, to whom was referred House Bill No. 331, have had the same under consideration, and report the same back with the recommendation that it lie on the table.

Which was concurred in.

Mr. Kennedy, from the committee on county and township business, submitted the following report :

MR. SPEAKER:

Your committee, to whom was referred House Resolution No. 75, have had the same under consideration, and report the same back with the recommendation that it lie on the table.

Which was concurred in.

Mr. Kennedy, from the committee on county and township business, submitted the following report :

MR. SPEAKER:

Your committee on county and township business, to whom was referred House Bill No. 310, have had the same under consideration, and instruct me to report the same back to the House with the recommendation that it lie on the table.

Which report was concurred in.

Mr. Zenor, from the committee on county and township business, submitted the following report :

**MR. SPEAKER:**

Your committee on county and township business, to whom was referred House Bill No. 276, an act to authorize county commissioners to encourage public improvements, etc., have had the same under consideration, and have directed me to report the same back with the recommendation that it lie on the table.

Which report was concurred in.

Mr. Zenor, from the committee on county and township business, submitted the following report:

**MR. SPEAKER:**

Your committee, to whom was referred House Bill No. 95, an act requiring the county commissioners to contract for blank books, blanks and stationery, for county officers, have had the same under consideration, and report the same back with the recommendation that it lie on the table.

Which was concurred in.

Mr. Zenor, from the committee on county and township business, submitted the following report:

**MR. SPEAKER:**

Your committee to whom was referred House Bill No. 321, an act in relation to the collection of delinquent taxes, have had the same under consideration, and report the same back with the recommendation that it pass.

Which was concurred in.

Mr. Neff moved that the special order set for this hour (ten o'clock) be postponed until eleven o'clock.

Which was agreed to.

Message from the Senate by Mr. Harrison, Secretary thereof:

**MR. SPEAKER:**

I am directed by the President of the Senate to inform the House

that he has signed enrolled act of the House No. 79, an act to extend the time for the completion of certain railroads, and to legalize the acts of their boards of directors, which is herewith returned to the House.

Mr. Bruner, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred the resolution instructing said committee to inquire into the practicability of reducing the fees of township officers, have had the same under consideration, and recommend that it lie on the table.

Which report was concurred in.

Mr. Bruner, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom was referred House Bill No. 289, an act to provide for the publication of the proceedings and allowances of boards of county commissioners, etc., have had the same under consideration, and recommend that the bill lie on the table.

Which report was concurred in.

Mr. Zenor, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred Petition No. 32, being the petition of sundry citizens of Jefferson county, Indiana, on the subject of road laws and dog laws, have had the same under consideration, and report the same back with the recommendation that it lie on the table.

Which was concurred in.

Mr. Stephens, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business, to whom House Bill No. 312 was referred, an act declaring who shall not be competent to act as viewers and reviewers for the location and vacation or change of highways, and declaring an emergency, have had the same under consideration, and report it back with the recommendation that it lie on the table.

Which report was concurred in.

Mr. Biggs gave notice of a motion to reconsider the vote concurring in the vote on the report of the committee on House Bill No. 276.

Mr. Zenor, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred the petition of sundry citizens of Perry county, in relation to sales of real estate on judgments, have had the same under consideration, and recommend that it lie on the table.

Which was concurred in.

Mr. Zenor, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House Bill No. 314, have had the same under consideration, and report the same back with the recommendation that it pass.

Which was accepted.

Mr. Major, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

The committee on county and township business, to whom was referred House Bill No. 330, prescribing the duties of township

trustees, township assessors, and supervisors of roads, beg leave to report that they have considered the same, and have directed me to report it back with the recommendation that it pass.

Which report was accepted.

Mr. Beeler, from the committee on agriculture, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House Bill No. 162, an act to amend sections two and six of an act entitled "An act providing for a geological survey," etc., approved March 5, 1869, have had the same under consideration, and report the same back with the recommendation that it pass.

Which was accepted.

Mr. Beeler, from the committee on agriculture, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House Bill No. 162, an act to amend sections 2 and 6 of an act entitled "An act providing for a geological survey, and for the collection and preservation of a geological and mineralogical cabinet of the natural history of the State," etc., have had the same under consideration, and have directed me to report the same back to the House with the recommendation that it pass.

Mr. Beeler moved that the report and the bill be made the special order for Wednesday, 10 o'clock, A. M.

Which was agreed to.

Mr. Minick, from the committee on benevolent and scientific institutions made the following report:

MR. SPEAKER:

Your committee on benevolent and scientific institutions beg leave to submit the following report:

Indiana may justly boast of her asylums and institutions for the relief and education of the unfortunate.

There is no feature of our civilization, characterized as it is by the development and application of art to the every day affairs of life, more marked and more commendable than that known as our "Benevolent Institutions."

There is no temple of the past, however magnificent and imposing in its architectural proportions and effects, grand even in ruins, which, compared with these generous structures of ours, as monuments of the cultivation and attainment of the age and people to which they belong.

For, however, far short these may fall in comparison of mural splendor, founded as they are upon and maintained by an enlightened sentiment of justice toward the unfortunate of our race, they reflect the highest development of christian civilization, manifested in acts of love toward the neighbor instead of the superstitions of idolatry, or the vain glory of self-love.

To lead the blind from the darkness and the loneliness of perpetual night into the light and companionship of books and trades; to people the vacuity of the feeble-minded with ideas; to couple the gift of language upon the speechless; and to restore the madman from chains and frenzy to freedom and rationality; these are among the proud achievements of our day and generation.

That Indiana should be negligent in her contributions as a sovereignty toward these noble works, need only to be made known that correction may follow speedily.

These institutions, however costly in a moneyed sense, lie close within the affections of a generous people, and all acts respecting them are measured by their hearts as well as by their purse strings.

It is a pleasant reflection when we consider how liberally from the very beginning these institutions have been supported, and how cheerfully our people have assented to the various appropriations for their aid. But notwithstanding all this, the growth of our State, the progress of age, advancing civilization and humanity itself, all demand at our hands that an advance step be taken.

In looking over the vast list of unfortunates within our State, we find that they are provided for to a limited extent; our asylum for the blind will hardly contain one-half of that class of unfortunates that are in our borders; the one for the insane a little over one-fifth.

Not only this, but in the opinion of your committee the time is near at hand that institutions, other than those we have, and for



different purposes, should be admitted into the sisterhood of our benevolent institutions. We have reference to the idiotic, and the incurably insane. There is also a demand for an institution for the weak-minded children. Observation and experience in other States teaches us that much good can be done in the way of teaching this class of unfortunates by systematic and scientific principles.

We might also call your attention to another class of unfortunates, viz.: the inebriates of our State. In other States experience has taught us that a vast amount of good can be done by providing institutions for their benefit and conducive to their reformation.

#### INDIANA HOSPITAL FOR THE INSANE.

Your committee beg leave to report that they have visited the Insane Hospital for the insane, and examined, with care, every feature of interest pertaining to its management, its present condition and prospective requirements.

The general cleanliness and good order of the house, the condition of the inmates, and apparent discipline of the large number of persons engaged in the difficult and trying class of unfortunates, as well as the current statistics of the hospital, bear testimony to the intelligence and fidelity of Dr. Everts, the Superintendent.

Since the last session of the General Assembly, the capacity of the hospital has been much increased. The north wing has been completed, furnished, opened and filled with patients.

This part of the building we find commendable in all particulars. We regret that the older portions of the building are not equal to this in all appointments.

There are now five hundred patients in the hospital; two hundred and seventy-two of these are men, and two hundred and twenty-eight are women.

The House is crowded. We find one ward, on this side of the house, known as the "old basement," which is not fit for a horse stable.

It is an old, *dilapidated* and dungeon-like room, with *low ceilings* and no ventilation, which, together with the hissing steam pipes which pass through it to other parts of the house, and about twenty-five insane persons very readily make visitors apprehensive that they are near the infernal regions.

Mr. Speaker, this ward should be *abandoned* and *condemned* as an improper place in which to put human beings, however insane; but

this can not be done until room is provided for the transfer of the patients who occupy it. To make this practicable, and, at the same time, very much improve the whole south wing, certain repairs and enlargements should be provided for by this Assembly.

It is due to humanity, to science, and to the reputation of our State, that matters of this kind should be dealt with promptly, intelligently and with liberality. We are convinced that an increase in the capacity of the south wing of the present hospital used for women only, to such an extent and no further than is necessary to compensate for the abandonment of the old basement ward, and afford room for women equal to that now occupied by men (which can not appropriately be divided), can be accomplished at a lower rate of original expenditure for the amount of room gained, than could otherwise possibly be effected. This room, daily demanded by rejected applicants for admission into the hospital, can also be secured more speedily, by one or more years, than is practicable by any other method.

We wish it to be understood, however, that this opinion, and our recommendation in accordance therewith, are independent of, and should not in any manner conflict with our recommendations respecting a new and independent hospital.

From what we have ascertained respecting the number of insane making application for hospital treatment, and rejected for want of room, we are confident that the State will not soon, if ever, overtake the pressing necessities manifested in this direction. The example of our neighboring States should also act as a reminder of duty, if not as a stimulus to action on this subject.

Ohio has four State asylums for the insane; Kentucky has two. Illinois is now building two new hospitals in addition to the one cotermporaneous with ours. Wisconsin has projected and is building a second first-class institution. The demand for such establishments in those States is not more urgent than in our own. The financial condition of their populations is not more promising than that of ours. The reputation for intelligence of their communities is not superior. There is no good reason why we should stay our hands in competition.

Among the various wants of the hospital for which we feel it a duty to make provision, are: A complete system of ventilation for all of the older structures, and such permanent repairs as are required for the preservation and improvement of the house, which we find worn and defective in many respects. The furnishing of

this part of the house is not complete, and the whole aspect of the various wards contrasts unpleasantly with the more modern structure, and should be improved, as it may be, without extravagant expenditures in any direction.

A laundry building, and machinery for washing, are pressing necessities, nothing of the kind ever having been provided for this great household. An "airing court," or high fenced inclosures, of ample dimensions for the security of patients taking exercise, are palpably needed. An ice house is asked for. Out-houses for stowing coal, straw, tools, etc., are matters which no provident proprietor of private estates would overlook. The entire farm needs fencing, and twenty more cows are asked for. These are wants of a class patent to every practical observer.

The Superintendent, Dr. Everts, in whose opinion and judgment respecting the professional needs of the establishment we are inclined to respect as intelligent and unselfish, asks for books, musical instruments, billiard tables, gymnasium, and other means of recreation and amusement, as essential in the psychological treatment of his patients. When considered as elements of cure in the treatment of disease, these things can not be regarded as superfluities or even as luxuries. They are in fact less costly than drugs, chemicals and stimulants, fitted more to be administered "to a mind diseased" than physics.

The current expenses of the Hospital for the period provided for by the last General Assembly have been in excess of the appropriation made, and yet within the amount estimated and asked for by the officers of the institution as needful. This excess has been provided for by a special appropriation of \$25,000 at the beginning of this session, which will carry forward the maintenance of the house until March 31st ensuing.

The estimates of the present Superintendent, Dr. Everts, indorsed by the board of commissioners for maintaining the Hospital for the next two years, beginning April 1st, 1871, purport to be based upon ascertained necessities, having in view as an object of endeavor the elevation of the Hospital upon a plan of equality, with the average State Institutions of the country. It would appear from the Doctor's report that the amount asked for is not more than an average expenditure of American Hospitals.

The amount looks to be large when seen in the aggregate, but when analyzed, and divided by the large number of persons dependent upon it, their characteristics, and necessities also duly considered,

it does not appear to be extravagant or unreasonable; and we fully approve of the manifest purpose and ambition of the Superintendent to carry forward the Indiana Hospital for the Insane until it shall take rank among the foremost State Institutions in reputation and usefulness.

We, therefore, recommend that the following appropriations for the improvement, maintenance, repairs, and furnishing of the Indiana Hospital for the Insane, for the period ending March 31, 1873, be made :

For enlarging south wing and raising attic.....	\$40,000 00
For laundry, wash house and machinery.....	3,000 00
For fencing farm.....	1,000 00
For airing courts.....	1,200 00
For ice house, straw house and coal house.....	1,200 00
For books, musical instruments, billiards, etc.....	1,500 00
For general repairs ending March 31, 1872 .....	4,000 00
For current expenses ending March 31, 1872.....	118,000 00
For repairs ending March 31, 1873.....	4,000 00
For current expenses ending March 31, 1873.....	118,000 00
For a third assistant physician, to be a female, for the year ending March 31, 1872.....	1,200 00
For a third assistant physician, to be a female, for the year ending March 31, 1873.....	1,200 00

#### INSTITUTION FOR EDUCATING THE DEAF AND DUMB.

Your committee visited this Institution, first, by its Chairman, and then in a body, and made a personal examination of its condition and wants.

The board of trustees have certainly managed the financial interests of the institution with economy and prudence, and are worthy the confidence and entitled to the hearty commendations of the public.

#### MR. MAC INTIRE,

Has held the position of Superintendent for a period of eighteen years, which fact in itself speaks well for him. It is exceedingly doubtful if a better man for the position can be found. Being zealous in his labors in behalf of the deaf and dumb, and prudential in the executive control of the institution, we join heartily in recommending him as the right man in the right place.

We attended an exhibition of the method of instruction and an examination of the pupils, embracing classes who had been under instruction but a few months, up to those engaged in the studies of the higher branches of a common school education. We found twelve classes, averaging about twenty pupils, instructed by as many teachers. The examination showed to the satisfaction of the committee that this department of the institution was well managed, and in a highly prosperous condition.

Your committee, after the conclusion of the exhibition, visited the dormitories, school rooms, hospital rooms, kitchen, bakery, laundry, shops, grounds and out-buildings, and made as thorough inspection of each as the time at our command would allow.

The examination showed that the pupils were well and comfortably provided for, and the administration throughout to be able, efficient and highly successful.

The attention of the committee was especially directed to the examination of the new building, for the erection of which an appropriation was made by the last Legislature. The building was finished, except the pavement in the basement and painting of the outside wood-work, last fall, and is now occupied.

It has increased the capacity of the institution fully one-third, and allowed the admission of a large number of new pupils this term, who were heretofore excluded for want of room.

The building consists of a main structure in the center, forty by seventy-two feet, and two lateral transverse wings, each thirty-two by seventy feet, the whole three stories high above the basement.

The foundation is of stone, the walls of hard brick, the roof of slate, the cornice of galvanized iron, the floors and stairs of white oak. The apartments are supplied with water, and gas, and the whole heated with steam. In all its parts and appointments the building is well and substantially constructed, and is a decided improvement upon the portions of the institution heretofore erected and reflects great credit upon the gentlemen who superintended its erection.

Your committee have carefully examined the estimate of the board of trustees for the support of the institution for the ensuing two years, and have agreed to recommend that the following appropriations be made :

For current expenses for the year ending March 31,  
1872.....\$55,000 00

For repairs, improvements and refurnishing for the year ending March 31, 1872.....	5,000 00
For current expenses for the year ending March 31, 1873.....	55,000 00
For repairs, improvements and refurnishing for the year ending March 31, 1873.....	5,000 00

#### INSTITUTION FOR THE EDUCATION OF THE BLIND.

Your committee also report that they visited the institution for the care and education of the blind, and made careful examination of its condition and wants.

We found the affairs of the institution in a prosperous and satisfactory condition, exhibiting a high degree of skill and efficiency in their general management.

Mr. Churchman, the Superintendent, though himself blind, appeared to be thoroughly versed in the peculiar methods and means of instruction, and perfectly familiar with the duties of his position, and the requirements of such establishments. His long experience, both as an instructor and superintendent, as well as his education and culture, has well qualified him for the position he now occupies as the executive head of the institution.

Your committee find that the appropriations made by the last General Assembly for current expenses, and for the steam heating apparatus, and for other special purposes, has been judiciously expended for the purposes for which they were given, and in accordance with the terms of the appropriations.

We find the buildings now well warmed, well lighted, and well ventilated; the school well organized, and systematically and efficiently conducted; the pupils well cared for, cheerful and happy.

We were pleased to learn that the removal of the old smoke stack and boiler house from the reach of the center building, and the erection of a new building for the same purpose, and for a laundry on the rear of the premises, and the introduction of an improved warming and ventilating apparatus had added very materially to the convenience, health and comfort of the household.

Your committee have carefully examined the estimates of the Trustees and Superintendent, for the support of the institution for the ensuing two years, and for sundry improvements and repairs.

The introduction of pipes and heating apparatus into the shops, as a safe-guard against fire, as well as on account of economy is, in our

opinion, an improvement that ought to be made; and, as it can be accomplished at a comparatively small expense, we recommend that an allowance be made for this improvement.

The removal of the old stable, and the erection of a new and suitable one at a greater distance from the main edifice, is an improvement very much needed, and the committee recommend that provision be made for this also.

With the importance of the enlargements of the buildings of the institution, and an increase of the accommodations for the pupils, as set forth in the report of this institution by the trustees and superintendent, the committee are thoroughly impressed; and, were this the only case calling for aid, we should not hesitate for a moment to recommend that an appropriation be granted for this purpose; but, believing that this institution already, in all its appointments, except the possession of room to accommodate all who may be attracted to it by its many advantages, is fully up to the front rank of similar institutions in this country, while the interests of humanity imperatively demand that we should no longer ignore the claims of the large number of insane and the feeble-minded in the poor-houses or jails in nearly every county, for whom the State has heretofore made *no adequate* provision, the committee is constrained to recommend that the erection of the proposed additions be postponed for the present.

Your committee have agreed upon the following appropriations for the support of the Institution for the education of the blind, for the ensuing two years, and recommend that the same be made:

For current expenses for the year ending March 31st, 1872.....	\$32,500 00
For erection of stable, and for repairs for the year ending March 31st, 1872.....	2,500 00
For heating apparatus for shops for year ending March 31st, 1872.....	1,500 00
For current expenses for the year ending March 31st, 1873.....	32,500 00
For repairs and improvements for the year ending March 31st, 1873.....	2,500 00

#### SOLDIERS' ORPHANS' HOME.

Your committee availed themselves of the opportunity of making a personal visit to the Institution near Knightstown, and would

most cheerfully bear testimony to the good condition in which they found everything connected with the Home.

Previous to their visit your committee were impressed with the idea that this Institution was an unnecessary expense to the State; that the soldiers should be transferred to the National Soldiers' Home. But these ideas were soon dispelled when we found about 200 soldiers' orphans in the Home, of ages varying from one to seventeen years appealing to our sympathies. They are there by no act of their own, but by the misfortunes of war.

Not less than 100 of these orphans have no home to go to. Should they be sent away from the orphanage, they must necessarily be placed in the county "Poor Houses" of the State, and their education of course totally neglected. Your committee can not believe that your honorable body are prepared for such a course.

It is a pleasant thought to know that Indiana is able to take care of the little ones, educate them, and make them feel happy.

The building is a large substantial brick, three stories high, (besides three large attic rooms) one hundred and fifty feet long by sixty feet wide, built of the best material and workmanship; beautifully situated in the midst of a grove of forest trees, and in every way adapted to the happiness of the children; and when the necessity for a Soldiers' Orphans' Home shall have passed away, it can be used by the State for other benevolent purposes.

Your committee would recommend an increase for current expenses of fifty cents per week (the present rate being only two dollars per week). Two dollars and fifty cents per week is as small a sum as these children can be maintained for, in our judgment, and is not unreasonable, when it includes board, clothing, schooling, and the payment of all employes, fuel, repairing, keeping up the teams, and, in a word, all the expenses of the entire Institution; and your committee have recommended a bill in accordance with the above.

Mr. Browning moved that 500 copies be printed.

Which was agreed to.

Mr. McFarland, from the special committee to visit and examine the Soldiers' and Orphans' Home, for the purpose of ascertaining the correctness or incorrectness of certain reports circulated, to the effect that inmates of said Home do not receive proper care and attention from those in charge of said Home, submitted the following report:



MR. SPEAKER:

Your committee, having visited the Soldiers' and Orphans' Home, are of opinion, after freely conversing with the inmates of said Home, that all such reports in circulation are without foundation in fact, the evidence from soldiers and orphans being that from every one having charge of the Home they have invariably received the kindest attention, and that all has been done for their comfort that could be on the amount appropriated. Your committee are of opinion that two dollars per week for each of the inmates of the Home, as at present, is a very small allowance, and, perhaps, less than it should be.

Which was accepted.

Mr. McGowan, from the committee on reformatory institutions, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred the investigation of reformatory institutions, have had the same under consideration, and beg leave to make the following report, and recommend its passage.

Which was accepted.

Mr. McGowan introduced

House Bill No. 352, entitled an act supplemental to an act entitled "An act to establish a female prison and reformatory institution for girls and women, and to providing for the organization and government thereof, and making appropriations," approved May 13, 1869.

Which was read a first time, and passed to second reading.

Mr. Britton, from the committee on highways, submitted the following report:

MR. SPEAKER:

Your committee on highways, to whom was referred House Bill No. 61, entitled an act to reimburse the several townships where a special tax has been voted by a majority of the citizens thereof, in aid of turnpike, macadamized and railroads, have had the same

under consideration, and would respectfully report that the same be laid on the table.

Which report was concurred in.

Mr. Defrees moved to reconsider the vote just taken, concurring in the report from the committee on House Bill No. 61.

Which was agreed to.

The question recurring on the report of the committee, it was not concurred in, and the bill ordered to a second reading.

Mr. Tarlton, from the committee on highways, submitted the following report :

MR. SPEAKER :

Your committee on highways, to whom was referred House Bill No. 217, entitled an act authorizing county commissioners to levy a tax for the purchase, construction and repairs of plank, macadamized and gravel roads, and prescribing the manner of disbursing the same, have had the same under consideration, and would respectfully report that the same be laid upon the table.

Which report was concurred in.

Mr. Tarlton, from the committee on printing, submitted the following report :

MR. SPEAKER :

Your committee, to whom was referred House Bill No. 161, entitled an act to regulate the price and compensation for publishing legal notices, have had the same under consideration, and recommend that it do pass.

Which report was accepted.

Mr. McDonald, from the judiciary committee, submitted the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred engrossed Senate Bill No. 8, entitled an act to amend the 6th, 7th and 11th

sections of an act entitled "An act regulating the granting of divorces, nullification of marriages, and decrees and orders of courts incident thereto," approved May 13, 1852, and repealing all laws conflicting with this act, have had the same under consideration, and I am directed by your committee to report said engrossed Senate bill back to the House, with a substitute for the same, and with the recommendation that the substitute pass.

Which report was accepted.

An act to amend sections 6, 7, and 9 of an act entitled "An act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto," said section 6 approved March 4th, 1859, and sections 7 and 9, approved May 13, 1852.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section 6 of an act entitled "An act regulating the granting of divorces, nullification of marriages, and decrees and orders incident thereto," which reads as follows: "Divorces may be decreed by the Circuit Courts of this State, on petition, filed by any person, who, at the filing of such petition, shall have been a *bona fide* resident of the State one year previous to the filing of the same, and a resident of the county at the time of the filing of such petition, which *bona fide* residence shall be duly proven by such person, to the satisfaction of the court trying the same," be and the same is hereby amended to read as follows:

SECTION 6. Divorces may be decreed by the Circuit Courts, and the Courts of Common Pleas of this State, on petition filed by any person, who, at the time of filing of such petition, shall have been a *bona fide* resident of the State of Indiana two years previous to the filing of the same, and a resident of the county six months previous to and at the time of the filing of such petition, and shall continue to be a resident of such county during the pendency of the action.

SECTION 2. That section 7 of the act above recited, which reads as follows: "Divorces shall be decreed upon the application of the injured party, for the following causes: first, adultery, except as hereinafter provided; second, impotency; third, abandonment for one year; fourth, cruel treatment of either party by the other; fifth, habitual drunkenness of either party, or, the failure of the husband to make reasonable provision for his family; sixth, the conviction, subsequent to the marriage, in any county, of either party, of an infamous

crime; seventh, any other cause for which the Court shall deem it proper a divorce should be granted," be and the same is hereby amended to read as follows:

SECTION 7. Divorces shall be decreed upon the application of the injured party for the following causes: first, adultery, except as provided in section eight of the above recited act; second, impotency; third, abandonment for one year; fourth, cruel treatment of either party by the other; fifth, habitual drunkenness of either party, or the failure of the husband to make reasonable provision for his family; sixth, the conviction subsequent to the marriage, in any county, of either party, of an infamous crime.

SECTION 3. That section 9 of said act above recited which reads as follows: "A petition for divorce shall specify the causes therefor, with certainty to a common intent," be and the same is hereby amended to read as follows:

SECTION 9. The petition for divorce shall specify the cause or causes therefor, with certainty to a common intent, and shall state the time when, and the place or places, where such cause or causes accrued, which allegations as to time and place, and the residence of the petitioner, shall be verified by his or her affidavit appended thereto, and shall be duly proven to the satisfaction of the court trying the cause: *Provided*, that when such petitioner shall have resided in this State less than three years prior to the filing of his or her petition for a divorce, said petitioner shall state, under oath, by affidavit attached to such petition, where the defendant resides, if such residence be known, and personal service shall be made on such defendant, and no notice by copy shall be deemed valid; and if the residence of such defendant be unknown to the petitioner, the fact shall be stated, under oath, by affidavit attached to the petition.

SEC. 4. Whereas, an emergency exists for the immediate taking effect of this act, therefore the same shall take effect and be in force from and after its passage.

Mr. McDonald, from the select committee to whom was referred House Bill No. 291, submitted the following report:

MR. SPEAKER:

The select committee of five, to whom was referred House Bill No. 291, an act to amend "An act to fix the number of Senators and

Representatives to the General Assembly," have had the same under consideration, and, after making the following amendments, to wit: In section one, and the last two lines, shall be amended to read as follows: Lagrange and Steuben, one; Noble and DeKalb, one." With this change, we recommend the passage of the bill.

(Signed)

H. S. CAUTHORN,  
GEORGE McDOWELL,  
ISAIAH B. McDONALD.

Mr. Wood, from the same committee, submitted the following minority report:

MR. SPEAKER :

The undersigned, members of the special committee to whom was referred House Bill No. 291, beg leave to submit the following minority report :

It is provided by section 4 of article 4 of our constitution, that an enumeration of male white inhabitants over the age of twenty-one, of this State, shall be taken every six years.

In section 5, it is provided that the apportionment for Senatorial and Legislative purposes shall be based upon such enumeration.

At the session of the General Assembly of 1867, the apportionment, based upon the enumeration taken in the year 1866, as provided in said constitution, was made. Six years from that time has not yet elapsed. No new apportionment of the State can be lawfully made until said six years has elapsed, and the enumeration made as provided.

The present bill is in the nature of an amendment; at least its authors claim it to be an amendment merely; but we insist that, to all intents and purposes, it is a new apportionment, and only is an amendment by name. The bill proposes to lessen the Representatives in certain counties and increases them in others.

We submit that this is clearly in violation of the spirit, if not the language of the Constitution.

The present bill does not purport to be founded upon any enumeration such as the Constitution clearly requires.

We therefore respectfully ask that said bill lie upon the table.

(Signed)

MARTIN WOOD,  
A. E. GORDON.

Mr. Calkins of Porter moved that both reports be made the special order for Wednesday, February 29, 1871, at 10 o'clock A. M.

Mr. Zenor moved to lay the motion on the table.

On which the ayes and noes were demanded by Messrs. Biggs and Rhodes.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Goble,	Miles,
Britton,	Guthrie,	Mitchell,
Browning,	Hardin,	Montgomery,
Bruner,	Hartley,	Neff,
Caldwell,	Hawley,	Oatley,
Cauthorn,	Haynes,	Sansberry,
Coggsell,	Henderson,	Shutt,
Copner,	Hendry,	Stanley,
Cox,	Hynes,	Stephens,
Cunningham,	McDonald,	Tarleton,
Curtis,	McDowell,	Taughinbaugh,
Davidson,	McFarland,	Warrum,
Devol,	McGowan,	Zenor,
Gallentine,	Minick,	Mr. Speaker—44.
Gentry,		

*Those who voted in the negative were, Messrs.*

Ballenger,	Kennedy,	Sayers,
Beeler,	King,	Snodgrass,
Biggs,	Kirkpatrick,	Stephenson,
Butterworth,	Knight,	St. John,
Calkins of Fulton,	Major,	Stone,
Calkins of Porter,	Martin of Wayne,	Taylor,
Conner,	Martin of Putnam,	Washburn,
Defrees,	Millikan,	White,
Deputy,	Monroe,	Williams,
Friedley,	Netherton,	Wilson,
Gordon of Boone,	Rawles,	Wood,
Heilman,	Rhodes,	Woodward,
Hill,	Sabin,	Wymer—40.
Hooker,		

So the motion to lay on the table prevailed.

Mr. Biggs moved that the whole matter be made the special order for Monday next, at 2 o'clock, P. M.

Mr. McDonald moved to amend by saying 2 o'clock, P. M., of to-morrow.

Mr. Ballenger moved to amend the amendment by saying Friday, 2 o'clock, P. M.

Mr. Zenor moved to lay the amendment to the amendment on the table.

On which the ayes and noes were demanded by Messrs. Ballenger and Biggs.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Guthrie,	Mitchell,
Britton,	Hardin,	Montgomery,
Browning,	Hartley,	Neff,
Bruner,	Hawley,	Oatley,
Caldwell,	Haynes,	Ray,
Cauthorn,	Henderson,	Rice,
Coggsell,	Hendry,	Sansberry,
Copner,	Holland,	Shutt,
Cox,	Hynes,	Stanley,
Cunningham,	McDonald,	Stephens,
Curtis,	McDowell,	Tarlton,
Davidson,	McFarland,	Taughinbaugh,
Devol,	McGowan,	Warrum,
Gallentine,	Minick,	Zenor,
Gentry,	Miles,	Mr. Speaker—46.
Goble,		

*Those who voted in the negative were, Messrs.*

Ballenger,	Defrees,	Kennedy,
Beeler,	Deputy,	King,
Biggs,	Friedley,	Kirkpatrick,
Butterworth,	Gordon of Boone,	Knight,
Calkins of Fulton,	Heilman,	Major,
Calkins of Porter,	Hill,	Martin of Wayne,
Conner,	Hooker,	Martin of Putnam,

Millikan,	Snodgrass,	White,
Monroe,	Stephenson,	Williams,
Netherton,	St. John,	Wilson,
Rawles,	Stone,	Wood,
Rhodes,	Taylor,	Woodward,
Sabin,	Washburn,	Wymer—40.
Sayers,		

So the amendment to the amendment was laid on the table.

The question recurring on the amendment offered by Mr. McDonald.

Mr. McDonald moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The ayes and noes were demanded by Messrs. Ballenger and Biggs.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Gordon of Cass,	Miles,
Britton,	Guthrie,	Mitchell,
Browning,	Hardin,	Montgomery,
Bruner,	Hartley,	Neff,
Caldwell,	Hawley,	Oatley,
Cauthorn,	Haynes,	Ray,
Cogswell,	Henderson,	Sansberry,
Copner,	Hendry,	Shutt,
Cox,	Holland,	Stanley,
Cunningham,	Hynes,	Stephens,
Curtis,	McDonald,	Tarlton,
Davidson,	McDowell,	Taughinbaugh,
Devol,	McFarland,	Warrum,
Gallentine,	McGowan,	Zenor,
Gentry,	Minick,	Mr. Speaker—46.
Goble,		



*Those who voted in the negative were, Messrs.*

Ballenger,	Kennedy,	Sayers,
Beeler,	King,	Snodgrass,
Biggs,	Kirkpatrick,	Stephenson,
Butterworth,	Knight,	St. John,
Calkins of Fulton,	Major,	Stone,
Calkins of Porter,	Martin of Wayne,	Taylor,
Conner,	Martin of Putnam,	Washburn,
Defrees,	Millikan,	White,
Deputy,	Monroe,	Williams,
Friedley,	Netherton,	Wilson,
Gordon of Boone,	Rawles,	Wood,
Heilman,	Rhodes,	Woodward,
Hill,	Sabin,	Wymer—40.
Hooker,		

So the motion to amend by fixing the time at two o'clock, of to-morrow, was agreed to.

The question recurring on the motion as amended.

It was agreed to.

Mr. Wilson moved that 200 copies of the bill, with the reports thereon, be printed for the use of the House.

Which was agreed to.

When,

On motion of Mr. Sabin,

The House took a recess until two o'clock.

TUESDAY, FEBRUARY 21, 1871, 2 O'CLOCK P. M.

The House met.

SPECIAL ORDER FOR THE DAY.

The time having arrived, as fixed by the House for the considera-

tion of the Senate concurrent resolution on the subject of the Wabash and Erie Canal Bonds, the same was taken up.

*Be it resolved by the Senate* (the House of Representative concurring), That it is inexpedient to take any legislative action on the subject of the resumption, by the State, of the Wabash and Erie Canal Bonds, excepting for the purpose of submitting the matter, in some appropriate form, to the people of the State, and to protect the canal from sale, and its revenues from sequestration.

*Resolved by the Senate* (the House of Representative concurring), That this General Assembly of the State of Indiana, will make provision for the payment of the principal and interest of the old bonds of the State, issued prior to the year 1841, and not surrendered under the legislation of 1846 and 1847, known as the "Butler Bills."

Mr. Cauthorn offered the following resolution:

*Resolved*, That the Senate concurrent resolution in relation to the Wabash and Erie Canal, in accordance with the recommendation of the committee on canals, be indefinitely postponed.

Mr. Wilson moved a call of the House.

Which was agreed to.

*Those who answered to their names were, Messrs.*

Abbett,	Donham,	Hooker,
Ballenger,	Friedley,	Kennedy,
Barnaby,	Gallentine,	King,
Biggs,	Gentry,	Kirkpatrick,
Britton,	Goble,	Knight,
Browning,	Guthrie,	Lines,
Bruner,	Hardin,	Major,
Butterworth,	Hartley,	Martin of Putnam,
Caldwell,	Hawley,	McDonald,
Calkins of Porter,	Haynes,	McDowell,
Cauthorn,	Heilman,	McFarland,
Cogswell,	Henderson,	McGowan,
Conner,	Hendry,	Minick,
Defrees,	Hill,	Miles,
Devol,	Holland,	Millikan,

Mitchell,	Sansberry,	Taughinbaugh,
Monroe,	Sayers,	Taylor,
Montgomery,	Shutt,	Washburn,
Myers,	Snodgrass,	Warrum,
Neff,	Stanley,	White,
Netherton,	Stephens,	Wilson,
Oatley,	Stephenson,	Wood,
Ray,	St. John,	Woodward,
Rawles,	Stone,	Wymer,
Rhodes,	Strickland,	Zenor,
Sabin,	Tarlton,	Mr. Speaker—79.

When,

On motion of Mr. Cauthorn,  
Further proceedings under the call were dispensed with.

The question recurring on the motion to indefinitely postpone.

The ayes and noes were demanded by Messrs. Defrees and Miles.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Hardin,	Montgomery,
Barnaby,	Hartley,	Neff,
Britton,	Hawley,	Oatley,
Browning,	Haynes,	Ray,
Bruner,	Henderson,	Rawles,
Caldwell,	Hendry,	Sansberry,
Cauthorn,	Hynes,	Shutt,
Coggsell,	Knight,	Stanley,
Conner,	Lines,	Stephens,
Copner,	Major,	Stephenson,
Cox,	Martin of Putnam,	St. John,
Cunningham,	McDonald,	Tarlton,
Curtis,	McDowell,	Taughinbaugh,
Devol,	McFarland,	Tebbs,
Donham,	McGowan,	Warrum,
Gentry,	Minick,	Wood,
Goble,	Miles,	Zenor,
Guthrie,	Mitchell,	Mr. Speaker—54.
Gallentine,		

*Those who voted in the negative were, Messrs.*

Ballenger,	Hill,	Sayers,
Beeler,	Holland,	Snodgrass,
Biggs,	Hooker,	Stone,
Butterworth,	Kennedy,	Strickland,
Calkins of Fulton,	King,	Taylor,
Calkins of Porter,	Kirkpatrick,	Washburn,
Defrees,	Martin of Wayne,	White,
Deputy,	Monroe,	Williams,
Friedley,	Myers,	Wilson,
Furnas,	Netherton,	Woodward,
Gordon of Boone,	Rhodes,	Wymer—35.
Heilman,	Sabin,	

So the resolutions were indefinitely postponed.

Mr. Stephenson, when his name was called, in explanation of his vote, said :

**MR. SPEAKER :**

I vote for the indefinite postponement of these resolutions, for the following reasons :

1st. Under the law by which these unsundered bonds were issued, the State was made secondarily liable for their payment, and the canals and a portion of the Madison Railroad were made primarily liable ; or, to state in more concise language, the State is not liable for their payment until the holders have shown us that they have exhausted their remedy against the canals and railroad. If gentlemen can show me that J. W. Garrett, the holder of these unsundered bonds, can not enforce his remedy, or has exhausted it, I will then consider the propriety of paying his claim. But his remedy is ample.

2d. The present owners of the canals voluntarily took this property subject to all existing liabilities, rights and equities. They were competent to make this contract, and the State accepted it. Both parties knew these liabilities were out. Now, if they permit Garrett to foreclose, it is their fault, and not ours. The fact that these bonds were unsundered, was a part of the consideration of the contract under the Butler Bill. The canal was transferred to

them for about four and a half millions of dollars, when, in fact, it was worth a great deal more; and had they not promised to pay these outstanding obligations, I very much doubt if the contract would have been made.

Mr. Wilson offered the following resolution:

WHEREAS, The 22d day of February has ever been recognized in the nineteenth century, especially by all deliberative bodies, to rejoice in the birth and the goodness, and the greatness of Washington, therefore,

*Be it Resolved*, That when this House adjourns, it be until Thursday morning, at 9 o'clock, February 23, 1871, and that to-morrow, the 22d day of February, A. D. 1871, be so recognized and observed as a holiday, and that, in commemoration thereof, this House will assemble at 11 o'clock, to observe such ceremonies as may be appointed by a special committee of three for such purpose.

Mr. McDonald moved to lay the resolution on the table.

On which the ayes and noes were demanded by Messrs Gordon of Boone and Wilson.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Gentry,	Mitchell,
Barnaby,	Goble,	Montgomery,
Britton,	Guthrie,	Neff,
Browning,	Hardin,	Oatley,
Bruner,	Hartley,	Ray,
Butterworth,	Hawley,	Rhodes,
Caldwell,	Haynes,	Sabin,
Cauthorn,	Henderson,	Shutt,
Cogswell,	Hendry,	Stanley,
Copner,	Holland,	Stephens,
Cox,	Hynes,	Tarleton,
Cunningham,	Major,	Taughinbaugh,
Curtis,	Martin of Putnam,	Tebbs,
Defrees,	McDonald,	Warrum,
Devol,	McDowell,	Woodward,
Donham,	McGowan,	Zenor,
Furnas,	Minick,	Mr. Speaker—53.
Gallentine,		

*Those who voted in the negative were, Messrs.*

Ballenger,	Kennedy,	Sayers,
Beeler,	King,	Snodgrass,
Biggs,	Kirkpatrick,	Stephenson,
Calkins of Fulton,	Knight,	St. John,
Calkins of Porter,	Lines,	Stone,
Conner,	Martin of Wayne,	Taylor,
Deputy,	Monroe,	Washburn,
Friedley,	Myers,	White,
Gordon of Boone,	Netherton,	Williams,
Heilman,	Rawles,	Wilson,
Hill,	Sabin,	Wymer—35.
Hooker,		

So the motion to lay on the table prevailed.

#### HOUSE BILLS ON THEIR SECOND READING.

House Bill No. 104. An act defining the powers and duties of township trustees, in relation to the building of graded school houses in their respective townships, and matters properly connected therewith.

Which was read a second time, ordered to be engrossed, and passed to its third reading.

House Bill No. 149. Entitled an act in relation to the taking, holding, conveying and transmitting of real estate by aliens.

Which was read a second time, ordered to be engrossed, and passed to a third reading.

House Bill No. 183. Entitled an act authorizing cities, towns and townships to negotiate bonds for school building purposes, and authorizing the collection of a tax for the payment of such bonds.

Which was read a second time, ordered to be engrossed, and passed to a third reading.

House Bill No. 195. An act entitled an act to amend sections 34 and 35 of "An act to provide for a general system of common schools, with provisions therefor," approved March 6, 1865.

Which was read a second time.

Mr. Netherton offered the following amendment :

SEC. 3. The provisions of this act are hereby declared to go into effect and be in full force on and after the first day of September, 1871, and all laws and parts of laws conflicting with the same are hereby repealed.

And, in addition to the above section number, the preceding section of the bill, viz., first and second, and erase therein where they occur now the words "to take effect September 1st, 1871."

Which was agreed to, and the bill ordered to be engrossed, and pass to a third reading.

House Bill No. 210. Entitled an act to provide for the selection of depositories for the safe keeping of public moneys, declaring certain acts misdemeanors, and prescribing punishment therefor, and declaring duties of county treasurers.

Which was read a second time; ordered to be engrossed, and passed to a third reading.

House Bill No. 256. Entitled an act amending sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of "An act concerning inclosures, trespassing animals and partition fences," approved June 4, 1852.

Which was read a second time, and the amendment reported by the committee agreed to.

Mr. White offered the following amendment :

Amend section 14 as follows, to wit: In line 4, of said section, after the word "remain," insert the words, "unclaimed by such owner of such trespassing animals."

Which was agreed to, and the bill ordered to be engrossed and passed to a third reading.

Mr. Calkins of Porter called up his motion to reconsider the vote on the report of the committee on House Bill No. 21, by which the same was indefinitely postponed.

Whereupon, said motion was agreed to, and the bill ordered to its place on the files.

Mr. Biggs called up his motion to reconsider the vote taken on

the report from the committee on House Bill No. 276, by which said bill was laid upon the table.

Whereupon, said vote was reconsidered, and the bill ordered to its proper place on the files.

Mr. Oatley offered the following resolution :

*Resolved by this House* (the Senate concurring), That the Adjutant General of the State be instructed to fire a salute of thirteen guns on to-morrow morning, February 22, in honor of George Washington, deceased, "The Father of our Country."

Which was agreed to.

#### HOUSE BILLS ON ENGROSSMENT AND SECOND READING.

House Bill No. 259. An act to prevent placing obstructions in running streams of water, making provisions for the removal of such obstructions, defining the duties of supervisors and county commissioners in relation thereto, and prescribing penalties for the violation of the provisions of this act.

Which was read a second time, ordered to be engrossed, and passed to its third reading. ●

House Bill No. 261. Entitled an act repealing the "Redemption Law," approved June 4, 1861.

Which was read a second time, ordered to be engrossed and passed to its third reading.

House Bill No. 269. Entitled an act to amend section 30 of an act entitled "An act to amend an act entitled 'An act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto,' " approved March 5, 1859, approved December 20, 1865.

Which was read a second time, ordered to be engrossed and passed to a third reading.

House Bill No. 270. An act to amend the first section of "An act to enable incorporated towns to lay out, open, grade and improve streets, alleys," etc.

Which was read a second time, ordered to be engrossed and passed to its third reading.



House Bill No. 274. An act to repeal sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of an act entitled "An act providing for the organization of boards of commissioners, and prescribing some of their powers and duties," approved June 17, 1852.

Which was read a second time, ordered to be engrossed and passed to its third reading.

House Bill No. 277. An act to secure the arrest of horse thieves.

Which was read a second time, ordered to be engrossed and passed to its third reading.

House Bill No. 278. Entitled an act in relation to the removal of dead bodies, and prescribing penalties therefor.

Which was read a second time, ordered to be engrossed and passed to a third reading.

House Bill No. 281. Entitled an act to amend section 6 of an act, entitled "An act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852, and amended and filed in the Secretary of State's office March 17, 1861.

Which was read a second time, ordered to be engrossed and passed to a third reading.

House Bill No. 282. An act authorizing hydraulic companies to appropriate lands to their use for construction and repairs, upon paying the assessed value thereof, and providing for such assessment and an assessment upon stock.

Which was read a second time, ordered to be engrossed and passed to its third reading.

House Bill No. 284. An act to amend the 25th section of "An act regulating descents and the apportionment of estates," approved May 14, 1852.

Which was read a second time, ordered to be engrossed and passed to its third reading.

House Bill No. 285. An act in relation to unclaimed county orders.

Which was read a second time, ordered to be engrossed and passed to its third reading.

House Bill No. 286. An act in relation to constables' duties and fees.

Which was read a second time, ordered to be engrossed and passed to its third reading.

House Bill No. 287. An act to protect wood, timber, shade and ornamental trees, growing on lands, town or city lots, and prescribing penalties for the violation of any of its provisions.

Which was read a second time, ordered to be engrossed and passed to its third reading.

House Bill No. 288. An act defining the procuring of abortion or miscarriage to be a felony, prescribing punishment therefor, and repealing all laws conflicting with the same.

Which was read a second time, ordered to be engrossed, and passed to its third reading.

House Bill No. 294. Entitled an act to amend section five of an act entitled "An act to provide for the uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and repealing all laws conflicting with this act," approved February 18, 1859.

Which was read a second time, ordered to be engrossed, and passed to its third reading.

House Bill No. 298. An act to amend the 108th section of an act to provide for a general system of common schools, fixing the fees for certain officers, etc.

Which was read a second time, ordered to be engrossed, and passed to its third reading.

A message from the Senate by the Secretary thereof.

MR. SPEAKER:

I am instructed by the Senate to inform the House that the Presi-

dent has signed Enrolled Act of the House No. 185, an act for the relief of George L. Riter and Maria B. Riter.

Which is herewith returned to the House.

House Bill No. 283. Entitled an act limiting the jurisdiction of the Supreme Court of the State of Indiana in civil cases.

Which was read a second time.

Mr. Biggs offered the following amendment:

Amend House Bill No. 283, by inserting in its proper place, "twenty-five dollars" instead of "two hundred dollars."

Mr. Bellinger offered the following amendment to the amendment:

Amend by striking out after the word "causes," in the seventh line, the following, "causes involving two hundred dollars and upwards," and insert the following, "in which the amount or value of the thing in controversy is one hundred dollars and upwards, except costs."

Mr. Martin of Putnam offered the following amendment:

"Strike out the enacting clause."

Pending which,

On motion of Mr. Kennedy,  
The House adjourned.

## WEDNESDAY MORNING.

FEBRUARY 22, 1871, 9 O'CLOCK.

The House met.

Prayer by the Rev. Mr. Edson.

The Journal of yesterday was then read in part, when,  
On motion of Mr. Woodard,  
The further reading thereof was dispensed with.

Mr. Caldwell, from the special committee on Senate Bill No. 136, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred Senate Bill No. 136, have had the same under consideration, and have instructed me to make the following report:

Amend by striking out fourth Mondays in February and August of each year, in lines seven and eight, and insert in lieu thereof second Mondays in February and August of each year, and, with this amendment, recommend the passage of the bill with an emergency clause.

Which report was accepted.

The Speaker added, by request, the name of Mr. McDonald to the special committee on adjustment of unsettled claims arising out of the construction of the House of Refuge.

Mr. Conner, from the special committee on House Bill No. 13, submitted the following report:

MR. SPEAKER:

The select committee, to whom was referred House Bill No. 13,

entitled an act creating the Twenty-ninth Judicial Circuit, etc., have had the same under consideration, and have directed me to report the same back, and recommend that it lie on the table.

Which report was concurred in.

The unfinished business pending at last adjournment, being the consideration of House Bill No. 283, and pending amendments, the same was taken up.

The question being, on the motion of Mr. Martin of Putnam, to strike out the enacting clause.

Mr. Martin of Putnam moved the previous question.

Which motion was not seconded.

Mr. Ballenger moved to recommit to a special committee of five to consider the phraseology and amendments.

Which was agreed to, and the Speaker appointed the following as the committee:

Messrs. Taylor, Ballenger, Biggs, Cauthorn, and St. John.

A message from the Senate, by Mr. Harrison, Secretary thereof:

MR. SPEAKER:

I am instructed by the Senate, to inform the House that the Senate has passed House Bill No. 265, entitled a bill to amend an act entitled "An act prescribing the duties of, and fixing the compensation of State Agent," approved June 17, 1852, with amendments thereto as follows:

After the words stationery in eighth line of section 4, insert the words "office rent, clerk hire and all incidental expenses of his office." Amend by making the salary \$500.00.

Which bill and amendments are herewith transmitted to the House for its action.

Mr. Martin of Putnam, moved to suspend the order of business, and take up the message from the Senate, just received.

Which was agreed to.

Mr. McDonald moved to concur in all the Senate amendments except that relating to the salary.

Mr. Biggs moved to amend the motion of Mr. McDonald by saying that the House concur in all the amendments.

Mr. Gordon of Boone, demanded the previous question.

Which was not seconded.

Mr. Ballenger moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question recurring on Mr. Bigg's amendment to Mr. McDonald's motion.

The ayes and noes were demanded by Messrs. Ballenger and Biggs.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Hardin,	Oatley,
Ballenger,	Hartley,	Ray,
Barnaby,	Haynes,	Rawles,
Beeler,	Heilman,	Rhodes,
Biggs,	Henderson,	Ruddell,
Britton,	Hill,	Sabin,
Bruner,	Holland,	Sansberry,
Calkins of Fulton,	Hooker,	Sayers,
Calkins of Porter,	Kennedy,	Shutt,
Conner,	King,	Snodgrass,
Copner,	Kirkpatrick,	Stephens,
Cox,	Knight,	St. John,
Defrees,	Lines,	Stone,
Deputy,	Major,	Strickland,
Devol,	Martin of Wayne,	Taylor,
Friedley,	Martin of Putnam,	Washburn,
Furnas,	McDonald,	Warrum,
Gallentine,	Minick,	Williams,
Gentry,	Miles,	Wilson,
Goble,	Millikan,	Wood,
Gordon of Boone,	Monroe,	Woodward,
Gordon of Cass,	Myers,	Wymer,
Guthrie,	Netherton,	Zenor—71.

*Those who voted in the negative were, Messrs.*

Browning,	Hynes,	Simpson,
Caldwell,	McDowell,	Stanley,
Canthorn,	McFarland,	Tarlton,
Coggsell,	McGowan,	Taughinbaugh,
Cunningham,	Mitchell,	Tebbs,
Donham,	Montgomery,	Walker,
Hawley,	Neff,	Mr. Speaker—21.

So Mr. Biggs' amendment was adopted.

Mr. McDonald moved to suspend the regular order, so as to take up Engrossed Senate Bill No. 48, which failed to pass on a previous day for want of a constitutional majority.

Which was agreed to.

Engrossed Senate Bill No. 48. An act supplemental to an act entitled "An act to authorize and encourage the construction of levees, dykes and drains, and the reclamation of wet and overflowed lands, by incorporated companies, and to repeal all former laws relating to the same subject, which act took effect May 22, 1869, and prescribing penalties for the violation of the provisions thereof."

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Defrees,	Holland,
Ballenger,	Deputy,	Hooker,
Barnaby,	Devol,	Kennedy,
Beeler,	Donham,	King,
Biggs,	Friedley,	Kirkpatrick,
Browning,	Furnas,	Knight,
Butterworth,	Goble,	Lines,
Calkins of Fulton,	Hardin,	Major,
Calkins of Porter,	Hartley,	Martin of Wayne,
Cauthorn,	Hawley,	Martin of Putnam,
Coggsell,	Haynes,	McDonald,
Copner,	Heilman,	McDowell,
Cunningham,	Hendry,	McFarland,
Curtis,	Hill,	McGowan,

Minick,	Ruddell,	Tarlton,
Miles,	Sabin,	Taughinbaugh,
Millikan,	Sayers,	Taylor,
Monroe,	Simpson,	Walker,
Myers,	Shutt,	Washburn,
Neff,	Snodgrass,	Warrum,
Netherton,	Stanley,	White,
Oatley,	Stephenson,	Wilson,
Ray,	St. John,	Wood,
Rawles,	Stone,	Woodward,
Rhodes,	Strickland,	Wymer—74.

*Those who voted in the negative were, Messrs.*

Britton.	Gentry,	Montgomery,
Bruner,	Guthrie,	Sansberry,
Caldwell,	Henderson,	Stephens,
Gallentine,	Mitchell,	Williams—12.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

*Ordered,* That the Clerk inform the Senate of the passage of the bill.

Mr. Henderson, when his name was called in explanation of his vote, said:

MR. SPEAKER:

In explanation of my vote, I wanted simply to say that I am of the opinion that this supplemental bill only sugar coats the old law, and does not remedy its evils. I vote no!

INTRODUCTION OF BILLS, RESOLUTIONS, ETC., ON THE CALL OF COUNTIES.

Mr. Taylor introduced

House Bill No. 353. Entitled an act to amend sections 70, 71



and 83 of an act entitled "An act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.

Which was read a first time, and

On motion,

Referred to the committee on ways and means.

Mr. Miles, by unanimous consent, submitted the following majority report, from the special committee on roads:

MR. SPEAKER:

Your committee to whom was referred House Bills No. 27, 100, 154, and 160, with instructions to examine and report upon the same, and also, to inquire and report whether it is expedient to make any change in the law in relation to roads and road taxes, and if so, what, beg leave to report that they have given the bills and matters referred to them their careful consideration, and to submit the following report:

While your committee all concur in the opinion that the present road system of Indiana, as generally administered, is inadequate to the wants of the State, and that the time is not far distant, when a more thorough and effective system will become a necessity; the majority of the committee are of the opinion that in the present impoverished and embarrassed condition of the country, it is not expedient to make any alteration in the law, which will increase the amount of money tax for road purposes.

But your committee concur in the opinion that the means provided by law for the improvement of highways can be somewhat increased by diminishing the amount of compensation for the labor employed in working out the road tax, without thereby increasing the burdens of tax-payers to an oppressive degree, and they therefore report back said House Bill No. 154, (which provides for such an amendment of the law), with the recommendation that said bill be passed with the following amendment, to wit: strike out all after the enacting clause, and insert the following.

N. D. MILES.

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana,* That section 1 of the act first above mentioned, be further amended to read as follows, to wit:

SECTION 1. The qualified voters in each township shall elect a supervisor in each of the road districts in their respective townships at each regular biennial election on the second Tuesday in October, who shall hold his office for two years thereafter, and each supervisor shall receive for his necessary services as such the sum of one dollar per day, to be paid out of the township treasury, provided such supervisor shall not be entitled to charge or receive any compensation for a number of days, equal to that required of and employed by other persons of his road district liable to work on highways.

SECTION 2. *Be it further enacted,* That section 6 of the act first above mentioned, be further amended to read as follows, to wit:

SECTION 6. Such supervisor shall call out all able bodied male persons, except insane, idiots, deaf and dumb, and blind persons in such district who are residents of this State, and over the age of twenty-one, and under fifty years, and not exempt from such labors during not less than one nor more than two days in the month, of May or June of each year, and shall require each of such persons to work on the highways in such district eight hours each day, and to furnish in such labor any tool the supervisor may direct, if the demand therefor be a reasonable one.

SECTION 3. *Be it further enacted,* That section 10 of the act first above mentioned, be further amended to read as follows, to wit:

SECTION 10. Any person liable to work on the highways may be exempted therefrom by paying to the supervisor of his road district one dollar for each day he is liable to work thereon, and in that case he shall be receipted therefor by the supervisor, which supervisor shall be authorized to employ some person or persons to work out such money, at the lowest rate obtainable, not exceeding one dollar per day, on the roads of his district, or failing so to do, he shall pay over all such money to the township trustee for the benefit of the road district from which it was raised.

SECTION 4. *Be it further enacted,* That section 20 of the act first above mentioned, be further amended to read as follows, to wit:

SECTION 20. The township trustee, with the concurrence of the

board of county commissioners, shall assess annually a road tax of not less than one nor more than twenty-five cents on the one hundred dollars, to be levied according to the amount of real and personal property owned in said township subject to taxation, to be collected as provided in the bill defining the duties of township trustees; *Provided, however,* That the tax so assessed on real estate may be worked out in the district in which such real estate lies, and the tax assessed on personal property in which the owner resides, at the rate of one dollar per day for a man; or at the rate of two dollars per day for a man and one horse and one scraper; or at the rate of three dollars per day for a man and two horses and a wagon or scraper; *and provided, further,* That such work shall be done only by permission and under the direction of the supervisor of the proper district, and not later in the season than the fifteenth day of August in each year. The supervisor shall obtain a list of all road tax assessed on each individual in his district, and his certificate for the amount worked out shall be taken by the treasurer of the county in payment of said tax; *Provided,* it shall be distinctly stated in such certificate, that the work for which it was given was performed before the fifteenth day of August, and not otherwise.

SECTION 5. *Be it further enacted,* That section 30 of the act first above mentioned, be amended to read as follows, to wit:

SECTION 30. Each supervisor shall, on the last Saturday in March in each year, make a full and itemized report, under oath, of his proceedings, showing the names of all persons liable to, or who have performed labor on the roads in his district, the amount of commutation money received, from whom received, and the amount of money received from any and all other sources whatever, and how the same has been expended, and shall pay such balance to, and file such report with the trustee of his township on that day; *Provided, also,* that each such supervisor, shall also file as part of such report, an itemized statement, under oath, showing every day and part of a day employed by him in the business of his office, with the date of each day and part of a day; and he shall not be allowed pay for any services not specifically embraced in said report, and if he fail to file such report, he shall not be allowed any pay at all.

I dissent from the recommendation of the committee in relation to

the second section of the amendments above proposed, and recommend that it be stricken out.

R. S. TAYLOR.

Which report was accepted.

Mr. Taylor, by unanimous consent, submitted the following minority report:

MR. SPEAKER:

The undersigned members of your special committee of one from each Congressional District, to whom was referred House Bills No. 27, 100, 154, and 160, with instructions to report on the same, and also, to inquire and report whether it is expedient to make any change in the law in relation to roads and road taxes, report that they are unable to agree with the majority of said committee as to the expediency of a reformation in the present system of road taxes and labor.

We take it that the importance of good roads to every interest of the State, private and public, is apparent to every intelligent man, and that it is equally apparent that the highways of Indiana are far behind any reasonable standard of excellence. The question about which we do not so readily agree, is, is there any practicable mode of making them better.

The means heretofore and now generally employed in building roads are mainly as follows:

1. By private enterprise. The success of such enterprises, and the frequency with which they will be undertaken, must of course depend upon the profit attending them. The experience of the past has shown that in most parts of Indiana, turnpikes and toll roads are not sufficiently profitable to induce their construction by private enterprise merely.

2. By private enterprise, aided by assessments upon the property benefited. This is the theory of our recent gravel road laws. The difficulty in their operation is, that persons benefited by such roads, who do not choose voluntarily to contribute to their construction, are compelled to pay taxes for that purpose, and then to pay toll on the roads. It is impossible that this requirement should not produce complaint and dissatisfaction, which, being perpetually kept alive by the daily necessity of paying toll, must become a permanent

source of irritation and difficulty. And while we do not doubt the utility of these laws, we are convinced that they do not furnish means at all adequate to the general improvement of the highways of the State.

3. By special tax to be levied upon the property benefited upon the petition of a majority of the property owners—the road when built to be free. We have had such a law in substance; but its operation has rarely been invoked, for the palpable reason that people are rarely swift to ask for the imposition of increased taxes upon themselves.

4. By special tax to be levied upon the property benefited without the request of the persons taxed. This is the most direct, thorough and practicable system of building roads, and is the one in operation in some form in all States that have reached any degree of perfection in the construction of highways. But it involves a pretty heavy rate of taxation, and is hardly applicable to our State in its present condition of wealth and development.

5. The only remaining mode of building and improving highways is by the imposition of general taxes for that purpose. By our present law we provide two kinds of road tax—one a labor tax to be worked out under the direction of the supervisors; the other a money tax levied as other taxes, but with the right reserved to the tax-payer to work out also. This privilege is generally improved, and the result is that most of the means at the disposal of the road officers is in labor, which has to be applied in the immediate vicinity of the property taxed, or the residence of its owner. The means thus furnished are not sufficient to do more than keep up current repairs; and with the wasteful and unsystematic habits of management necessarily attendant upon such a mode of collecting and applying taxes, are in many cases not even sufficient for that purpose. We believe that, as a general rule, the working out of the road tax is a mere farce, and that one dollar in money, judiciously expended, would be of more avail than three dollars collected in this way. Our present road law was devised for an era of population, wealth and development, beyond which we have already passed. For that period, when population was scanty, money scarce, and travel limited, it was well enough. But we can no longer cut a road through the woods around every impassable mud-hole. With vastly increased, with highways fenced on either side to confine it

all in one track, and with thousands of miles of new roads laid out every year, without any increased means of improving them, it is little wonder that in most parts of the State our roads grow worse every year. For this deterioration there is, in our opinion, no remedy, but in a thorough reformation of the road system, the first step toward which is the substitution of cash for labor in the payment of road taxes. After that will readily follow a greater concentration of means, and the more thorough improvement of the leading highways. In this way, and in this way alone, do we believe that some substantial progress can be made toward something still more thorough and complete, by means of which we may hope some day to see, what we have never seen in this State, a yet system of good roads.

We, therefore, return House Bill No. 100, with the recommendation that it pass, with the amendment stated on the following page.

(Signed)

R. S. TAYLOR,  
R. P. HOOKER,  
WM. T. STRICKLAND,  
P. M. ZENOR,  
W. P. RHODES.

Amend by striking out of line nine, of section one, the word "ten," and inserting the word "one," and by striking out of line ten the word "thirty-five," and inserting the word "twenty-five"—the object of the amendment being to retain the provision of the existing law, in relation to the amount of township road tax.

Which report was accepted.

Mr. Abbett introduced

House Bill No. 354. An act to amend section two of the act of March 11, 1861, entitled "An act authorizing county agricultural societies to purchase and hold real estate," approved February 7, 1855, and to authorize such societies to issue capital stock, so that the same shall read as follows.

Which was read a first time, and passed to a second reading.

Mr. Gordon of Boone offered the following resolution:

*Resolved*, That the committee on Federal relations be and are

hereby directed to return to the House Senate Joint Resolution No. 7, and that the same be made the special order for 11 o'clock A. M. to-day.

Mr. Henderson moved to lay the resolution on the table.

On which the ayes and noes were demanded by Messrs. Gordon of Boone and Friedley.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Gordon of Cass,	Montgomery,
Barnaby,	Guthrie,	Neff,
Britton,	Hardin,	Oatley,
Browning,	Hartley,	Sansberry,
Bruner,	Hawley,	Simpson,
Caldwell,	Haynes,	Shutt,
Cauthorn,	Henderson,	Stanley,
Coggsell,	Hendry,	Stephens,
Copner,	Holland,	Tarleton,
Cox,	Hynes,	Taughinbaugh,
Cunningham,	McDonald,	Taylor,
Devol,	McDowell,	Tebbs,
Donham,	McFarland,	Walker,
Galentine,	McGowan,	Warrum,
Gentry,	Minick,	Zenor,
Goble,	Miles,	Mr. Speaker—48.

*Those who voted in the negative were, Messrs.*

Ballinger,	Hill,	Monroe,
Beeler,	Hooker,	Myers,
Biggs,	Kennedy,	Netherton,
Calkins of Fulton,	King,	Rawles,
Calkins of Porter,	Kirkpatrick,	Rhodes,
Conner,	Knight,	Ruddell,
Defrees,	Lines,	Sabin,
Deputy,	Major,	Sayers,
Friedley,	Martin of Wayne,	Snodgrass,
Furnas,	Martin of Putnam,	Stephenson,
Gordon of Boone,	Millikan,	St. John,
Heilman,	Mitchell,	Stone,

Strickland,  
Washburn,

Williams,  
Wilson,

Wood,  
Wymer—42.

So the resolution was laid on the table.

Mr. Copner, from the committee on engrossed bills, submitted the following report:

MR. SPEAKER:

Your committee on engrossed bills would respectfully report that they have compared Engrossed House Bills Nos. 182, 114, 178, 193, 209, 212, 214, 218, 221, 222, 223, 225, 230, 233, 235, 245, 253, 121, 94, 92, 61, 90, 285, 261, 284, 203, 104, with the original copies, and find them correctly engrossed.

Mr. Browning introduced

House Bill No. 355. An act to amend the fourth section of an act entitled "An act appointing commissioners to sell certain real estate therein named, to provide a residence for the Governor of the State, and to make him an allowance in lieu thereof, until the same is provided, and matters properly connected therewith," approved February 25, 1865.

Which was read a first time, and passed to a second reading.

Mr. Browning introduced

House Bill No. 356. Entitled an act to provide for other than that of the applicant for a change of venue in civil and criminal cases.

Which was read a first time, and passed to a second reading.

Mr. Browning presented the claim of Peter McOscar for money heretofore paid the State on account of swamp lands purchased by him.

Which was,

On motion,

Referred to the committee on claims.

Mr. Gordon of Cass introduced

House Bill No. 357. An act to amend an act creating the Twenty-



Fifth Judicial District of the State of Indiana, approved February 3d, 1871.

Which was read a first time.

Mr. Gordon of Cass moved to suspend the constitutional rule, and that the bill be read a second and third time, and put upon its passage.

Under the constitutional rule, the ayes and noes were taken.

*Those who voted in the affirmative were, Messrs.*

Ballenger,	King,	Snodgrass,
Biggs,	Kirkpatrick,	Stanley,
Caldwell,	Knight,	Stone,
Conner,	Martin of Putnam,	Tarlton,
Copner,	McDonald,	Taughinbaugh,
Deputy,	McFarland,	Taylor,
Friedley,	Miles,	Tebbs,
Goble,	Monroe,	Washburn,
Gordon of Cass,	Netherton,	Warrum,
Hardin,	Ray,	White,
Haynes,	Rhodes,	Williams,
Henderson,	Sabin,	Wood,
Holland,	Sansberry,	Wymer,
Kennedy,	Sayers,	Mr. Speaker—40.

*Those who voted in the negative were, Messrs.*

Abbett,	Gallentine,	Martin of Wayne,
Barnaby,	Gentry,	McDowell,
Beeler,	Guthrie,	Minick,
Browning,	Hartley,	Millikan,
Bruner,	Hawley,	Mitchell,
Butterworth,	Heilman,	Montgomery,
Cox,	Hill,	Stephens,
Cunningham,	Hooker,	Strickland,
Defrees,	Hynes,	Walker,
Devol,	Lines,	Warrum,
Donham,	Major,	Zenor—34.
Furnas,		

So the rules were not suspended and the bill passed to its second reading.

Mr. Barnaby introduced

House Bill No. 358. Entitled an act to amend the 9th and 87th sections of an act entitled "An act dividing the State into counties, defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers," approved June 7, 1852.

Which was read a first time, and passed to a second reading.

Mr. Caldwell introduced

House Bill No. 359. An act to amend the second section of an act entitled "An act creating the Twenty-Fourth Common Pleas District, and making provision therefor, and repealing all conflicting laws," approved March 11, 1867.

Which was read a first time.

Mr. Caldwell moved that the constitutional rule, requiring bills to be read on three several days, be suspended so as to allow House Bill No. 359 to be read a second time by its title and put upon its passage.

Under the constitutional rule the ayes and noes were taken.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Gordon of Boone,	Lines,
Ballenger,	Gordon of Cass,	Major,
Biggs,	Guthrie,	Martin of Wayne,
Browning,	Hardin,	Montgomery,
Bruner,	Hartley,	McDowell,
Butterworth,	Haynes,	McDonald,
Caldwell,	Heilman,	McFarland,
Cauthorn,	Henderson,	McGowan,
Copner,	Hendry,	Minick,
Cox,	Hill,	Miles,
Deputy,	Holland,	Millikan,
Devol,	Hooker,	Mitchell,
Donham,	Hynes,	Monroe,
Friedley,	Kennedy,	Myers,
Gallentine,	King,	Neff,
Gentry,	Kirkpatrick,	Netherton,
Goble,	Knight,	Oatley,

Ray,	Stephens,	Washburn,
Rhodes,	Stephenson,	Warrum,
Ruddell,	St John,	Williams,
Sabin,	Stone,	Wilson,
Sansberry,	Strickland,	Wood,
Sayers,	Tarlton,	Woodward,
Simpson,	Taughinbaugh,	Wymer,
Shutt,	Taylor,	Zenor,
Snodgrass,	Tebbs,	Mr. Speaker—82.
Stanley,	Walker,	

*Those who voted in the negative were, Messrs.*

Britton,	Cunningham,	Defrees—3.
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So the constitutional rule was suspended.

House Bill No 359. An act to amend the second section of an act entitled "An act creating the Twenty-Fourth Common Pleas District, and making provisions therefor, and repealing all conflicting laws," approved March 11, 1867.

Which was read a second time by its title, and a third time by sections.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Cox,	Hartley,
Ballenger,	Cunningham,	Hawley,
Barnaby,	Defrees,	Haynes,
Beeler,	Deputy,	Heilman,
Biggs,	Devol,	Henderson,
Britton,	Donham,	Hendry,
Browning,	Friedley,	Hill,
Bruner,	Gallentine,	Holland,
Butterworth,	Gentry,	Hooker,
Caldwell,	Goble,	Hynes,
Cauthorn,	Gordon of Boone,	Kennedy,
Coggsell,	Gordon of Cass,	King,
Conner,	Guthrie,	Kirkpatrick,
Copner,	Hardin,	Knight,

Lines,	Oatley,	Stone,
Martin of Wayne,	Ray,	Strickland,
Martin of Putnam,	Rawles,	Tarlton,
McDonald,	Rhodes,	Taughinbaugh,
McDowell,	Ruddell,	Taylor,
McFarland,	Sabin,	Walker,
McGowan,	Sansberry,	Washburn,
Minick,	Sayers,	Warrum,
Miles,	Simpson,	Williams,
Millikan,	Shutt,	Wilson,
Mitchell,	Snodgrass,	Wood,
Monroe,	Stanley,	Woodward,
Montgomery,	Stephens,	Wymer,
Myers,	Stephenson,	Zenor,
Neff,	St. John,	Mr. Speaker—86.
Netherton,		

There being no one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered*, That the Clerk inform the Senate of the passage of the bill.

A message from the Senate by the Secretary thereof:

**MR. SPEAKER:**

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill of the House, viz.: No. 271, "A bill providing for the protection of fish and repealing all laws in conflict with the same," with the following amendment: amend title of the bill by adding after the word "and" therein these words, "prescribing penalties for the violation of its provisions."

Mr. Wilson moved that the constitutional rule requiring bills to be read on three several days be suspended so as to allow House Bill No. 327 to be taken up and read a second time by its title, and put upon its passage.

Under the constitutional rule, the ayes and noes were taken.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Holland,	Sabin,
Ballenger,	Hooker,	Sansberry,
Biggs,	Hynes,	Sayers,
Browning,	Kennedy,	Simpson,
Bruner,	King,	Shutt,
Butterworth,	Kirkpatrick,	Snodgrass,
Caldwell,	Knight,	Stanley,
Cauthorn,	Lines,	Stephens,
Copner,	Major,	Stephenson,
Cox,	Martin of Wayne,	St. John,
Deputy,	McDonald,	Stone,
Devol,	McDowell,	Strickland,
Donham,	McFarland,	Tarlton,
Friedley,	McGowan,	Tanghinbaugh,
Gallentine,	Minick,	Taylor,
Gentry,	Miles,	Tebbs,
Goble,	Millikan,	Walker,
Gordon of Boone,	Mitchell,	Washburn,
Gordon of Cass,	Monroe,	Warrum,
Guthrie,	Montgomery,	Williams,
Hardin,	Myers,	Wilson,
Hartley,	Neff,	Wood,
Haynes,	Netherton,	Woodward,
Heilman,	Oatley,	Wymer,
Henderson,	Ray,	Zenor,
Hendry,	Rhodes,	Mr. Speaker—82.
Hill,	Ruddell,	

*Those who voted in the negative were, Messrs.*

Britton,	Cunningham,	Defrees—3.
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So the constitutional rule was suspended.

House Bill No. 327. Entitled an act limiting the jurisdiction of the Court of Common Pleas in counties where a Superior Court is organized, and in reference to the selection of a petit jury therein.

Which was read a second time by title and a third time by sections.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Hardin,	Oatley,
Ballenger,	Hartley,	Ray,
Barnaby,	Hawley,	Rhodes,
Beeler,	Haynes,	Ruddell,
Biggs,	Heilman,	Sabin,
Bruner,	Hill,	Sansberry,
Britton,	Holland,	Sayers,
Browning,	Hooker,	Simpson,
Butterworth,	Hynes,	Snodgrass,
Caldwell,	Henderson,	Stephens,
Cauthorn,	Kennedy,	Stephenson,
Coggsell,	King,	St. John,
Conner,	Kirkpatrick,	Stone,
Copner,	Knight,	Strickland,
Cox,	Lines,	Tarlton,
Cunningham,	Major,	Taughinbaugh,
Davidson,	Martin of Putnam,	Taylor,
Deputy,	Martin of Wayne,	Tebbs,
Defrees,	McDonald,	Walker,
Devol,	McDowell,	Washburn,
Donham,	McFarland,	Warrum,
Friedley,	McGowan,	Williams,
Furnas,	Minick,	Wilson,
Gallentine,	Miles,	Wood,
Gentry,	Millikan,	Woodward,
Goble,	Monroe,	Wymer,
Gordon of Boone,	Myers,	Zenor,
Gordon of Cass,	Neff,	Mr. Speaker—85.
Guthrie,	Netherton,	

*Those who voted in the negative were, Messrs.*

Mitchell,	Montgomery—2.
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So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered*, That the Clerk inform the Senate of the passage of the bill?

A message from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed engrossed House Bill No. 266, "An act to amend the sixth section of an act to provide for the management and custody of the notes, bonds, etc., of the Sinking Fund, etc.," with the following amendment: amend the title by adding these words—"and adding supplementary sections thereto," which is herewith transmitted for the action of the House.

Mr. Ruddell moved that the House concur in the engrossed Senate amendment to House Bill No. 271.

Which was agreed to.

Mr. Neff moved that the House concur in the engrossed Senate amendment to House Bill No. 266.

Which was agreed to.

A message from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the President of the Senate to inform the House that the Senate has passed engrossed Senate Bill No. 28, "A bill to amend 'An act to organize a Supreme Court, and prescribing certain duties of the judges thereof,' approved May 13, 1852, creating an additional judge of said Court and declaring a vacancy," and the same is herewith transmitted to the House.

Mr. Zenor offered the following resolution:

*Resolved*, That the State Printer be authorized to bind, in full law, and send to each member of the House of Representatives and the elective officers thereof three copies each of the Legislative Brevier Reports, the Acts, the Journal of the House and Senate, the Documentary Journal of the House and Senate, and the Horticultural and Agricultural Reports.

Which was agreed to.

Mr. Caldwell offered the following resolution :

WHEREAS, The duties of the committee on swamp lands are about finished and said committee can do the remaining work without the aid of a clerk ; therefore,

*Be it resolved*, That said clerk of said committee on swamp lands be and he is hereby discharged from further service on said committee.

Which was agreed to.

Mr. Walker offered the following resolution :

WHEREAS, There are ten townships in the State destitute of township libraries, caused by destruction by fire ; therefore,

*Be it resolved*, That the committee on education is hereby instructed to report a bill authorizing the Superintendent of Public Instruction, with the State Auditor and State Treasurer, to replace the libraries in the aforesaid townships equal with others of the State.

Which was referred to the committee on education.

Mr. Coggsell introduced

House Bill No. 360. Entitled an act to amend section one of an act entitled "An act prohibiting supreme, circuit or common pleas judges, clerks of the Circuit Court, clerks of the Court of Common Pleas, auditors, treasurers, recorders, sheriffs and their deputies, from practicing law in any of the courts of this State, except as in this act permitted, and prescribing punishment for violation thereof," approved March 1, 1869.

Which was read a first time, and passed to a second reading.

Mr. Tebbs introduced

House Bill No. 361. Entitled an act to fix the time of holding courts of Common Pleas in Dearborn county.

Which was read a first time, and

On motion,

Referred to a special committee.



Mr. Cunningham offered the following resolution :

*Resolved*, That the judiciary committee be and they are hereby requested to prepare a bill and report the same at as early a time as possible, fixing the *per diem* of the Clerks of the Senate, Clerks of the House and their assistants and Clerks of committees, of the Door-keepers and their assistants, of Pages, folders, and defining the number of each to be employed, unless otherwise ordered by a concurrent vote of the two Houses.

Which was,

On motion,

Referred to the committee on the judiciary.

Mr. McGowan introduced

House Bill No. 362. An act to amend section 6 of an act, approved March 4, 1859.

Which was read a first time, and

On motion,

Referred to the judiciary committee.

Mr. McGowan presented the claim of Charles C. Kuhn.

Which was,

On motion,

Referred to the judiciary committee.

Mr. McGowan introduced

House Bill No. 363. An act providing for the appointment by the several courts in this State of guardians of persons of insane mind.

Which was read a first time, and

On motion,

Referred to the judiciary committee.

Mr. Minick offered the following resolution :

*Resolved*, That Samuel W. Holmes, principal Clerk, and Frederick S. Williams, assistant Clerk, be each allowed the sum of \$200, for indexing, correcting proof, and preparing an abstract for the House Journal of the session of 1871, and that the Speaker is hereby

authorized to issue his warrant on the Auditor of State for said sum, the same to be paid out of money heretofore appropriated for legislative purposes.

Which was agreed to.

Mr. Warrum introduced

House Bill No. 364. An act to amend sections 1, 9 and 10 of an act providing for the election of justices of the peace, defining their powers, duties and jurisdictions.

Which was read a first time, and passed to its second reading.

Mr. Millikan introduced

House Bill No. 365 as a substitute for House Bill No. 64. An act to amend sections 6, 7, 8, 9, 10, 11 and 12 of an act approved May 12, 1869, entitled an act to authorize aid to the construction of railroads, by counties and townships taking stock in, and making donations thereto.

Which was read a first time, and,

On motion,

Made the special order for Friday next at 10 o'clock A. M.

Mr. Ruddell presented the claim of the Commercial Company.

Which was,

On motion,

Referred to the committee on claims.

Indefinite leave of absence was granted Mr. Sabin, on account of sickness.

When,

On motion of Mr. Copner,

The House took a recess until 2 o'clock P. M.

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WEDNESDAY, FEBRUARY 22, 1871, 2 O'CLOCK.

The House met.

Mr. Taylor moved that Senate Bill No. 28 be taken from the table and made the special order for 9 o'clock to-morrow morning.

Which was agreed to.

## SPECIAL ORDER FOR THE DAY.

The hour fixed by the House for the consideration of the majority and minority reports from the special committee on House Bill No. 291, having arrived, the same were taken up.

Mr. Biggs moved that the whole matter be postponed until to-morrow at 2 o'clock, and that it be made the special order for that hour.

Mr. McDonald moved to lay the motion on the table.

On which the ayes and noes were demanded by Messrs. Biggs and Friedley.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Goble,	Montgomery,
Barnaby,	Guthrie,	Neff,
Britton,	Hardin,	Oatley,
Browning,	Hartley,	Ray,
Bruner,	Hawley,	Sansberry,
Caldwell,	Haynes,	Shutt,
Coggsell,	Henderson,	Stephens,
Copner,	Hynes,	Tarlton,
Cox,	McDonald,	Taughinbaugh,
Cunningham,	McDowell,	Tebbs,
Davidson,	McFarland,	Walker,
Devol,	McGowan,	Warrum,
Donham,	Minick,	Zenor,
Gallentine,	Miles,	Mr. Speaker—43.
Gentry,		

*Those who voted in the negative were, Messrs.*

Biggs,	Friedley,	King,
Butterworth,	Furnas,	Kirkpatrick,
Calkins of Fulton,	Gordon of Boone,	Knight,
Calkins of Porter,	Heilman,	Lines,
Conner,	Hill,	Martin of Wayne,
Defrees,	Hooker,	Martin of Putnam,
Deputy,	Kennedy,	Millikan,

Monroe,	Sayers,	Washburn,
Myers,	Snodgrass,	Williams,
Netherton,	Stephenson,	Wilson,
Rawles,	St. John,	Wood,
Rhodes,	Stone,	Woodward,
Ruddell,	Strickland,	Wymer—41.
Sabin,	Taylor,	

So the motion to lay on the table prevailed.

Mr. McDonald moved that the House do now proceed to vote on the minority report.

Mr. Williams moved to lay that motion on the table.

On which the ayes and noes were demanded by Messrs. Ballenger and Ruddell.

*Those who voted in the affirmative were, Messrs.*

Ballenger,	Kennedy,	Sayers,
Biggs,	King,	Snodgrass,
Butterworth,	Kirkpatrick,	Stephenson,
Calkins of Fulton,	Knight,	St. John,
Calkins of Porter,	Lines,	Stone,
Conner,	Martin of Wayne,	Strickland,
Defrees,	Martin of Putnam,	Taylor,
Deputy,	Millikan,	Washburn,
Friedley,	Monroe,	Williams,
Furnas,	Myers,	Wilson,
Gordon of Boone,	Netherton,	Wood,
Heilman,	Rawles,	Woodward,
Hill,	Rhodes,	Wymer—41.
Hooker,	Ruddell,	

*Those who voted in the negative were, Messrs.*

Abbett,	Cogswell,	Donham,
Barnaby,	Copner,	Gallentine,
Britton,	Cox,	Gentry,
Browning,	Cunningham,	Goble,
Bruner,	Davidson,	Guthrie,
Caldwell,	Devol,	Hardin,

Hartley,	McGowan,	Simpson,
Hawley,	Minick,	Shutt,
Haynes,	Miles,	Stephens,
Henderson,	Mitchell,	Tarlton,
Hendry,	Montgomery,	Taughinbaugh,
Hynes,	Neff,	Tebbs,
McDonald,	Oatley,	Warrum,
McDowell,	Ray,	Zenor,
McFarland,	Sansberry,	Mr. Speaker—45.

So the motion to lay on the table did not prevail.

A message from the Senate, by the Secretary thereof:

MR. SPEAKER:

I am authorized to inform the House that the President of the Senate has signed enrolled House act No. 265, an act to amend an act entitled "An act prescribing the duties of, and fixing the compensation of State Agent," approved June 17, 1852.

Also, I am further authorized to inform the House that the President of the Senate has signed enrolled Senate Act No. 32, an act fixing the time of holding the courts in the Twenty-Eighth Judicial Circuit.

Also, Enrolled Senate Act No. 163, an act to authorize the consolidation of hydraulic companies, and to define the powers of such consolidated companies.

Also, Enrolled House Act 271, an act providing for the protection of fish, repealing all laws in conflict with the same and prescribing penalties for the violation thereof, and the said acts are herewith transmitted to the House for the signature of the Speaker.

Mr. Conner moved that both reports be recommitted to a special committee of seven, for further consideration.

Mr. Simpson moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

H. J.—60

The question being on the motion to recommit.

The ayes and noes were demanded by Messrs. Calkins of Porter and Ballenger.

*Those who voted in the affirmative were, Messrs.*

Ballenger,	Kennedy,	Sabin,
Beeler,	King,	Sayers,
Biggs,	Kirkpatrick,	Snodgrass,
Butterworth,	Knight,	Stephenson,
Calkins of Fulton,	Lines,	St. John,
Calkins of Porter,	Major,	Stone,
Conner,	Martin of Wayne,	Strickland,
Defrees,	Martin of Putnam,	Taylor,
Deputy,	Millikan,	Washburn,
Friedley,	Monroe,	White,
Furnas,	Myers,	Wilson,
Gordon of Boone,	Netherton,	Wood,
Heilman,	Rawles,	Woodward,
Hill,	Rhodes,	Wymer—45.
Hooker,	Ruddell,	

*Those who voted in the negative were, Messrs.*

Abbett,	Gordon of Cass,	Mitchell,
Barnaby,	Guthrie,	Montgomery,
Britton,	Hardin,	Neff,
Browning,	Hartley,	Oatley,
Bruner,	Hawley,	Sansberry,
Caldwell,	Haynes,	Simpson,
Cauthorn,	Henderson,	Shutt,
Cogswell,	Hendry,	Stanley,
Copner,	Holland,	Stephens,
Cox,	Hynes,	Tarlton,
Cunningham,	McDonald,	Taughinbaugh,
Davidson,	McDowell,	Tebbs,
Devol,	McFarland,	Walker,
Donham,	McGowan,	Warrum,
Gallentine,	Minick,	Zenor,
Gentry,	Miles,	Mr. Speaker—49.
Goble,		

So the motion to recommit did not prevail.

A message from the Senate, by Mr. Harrison, Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House, that the Senate has passed engrossed House Bill No. 342. An act to repeal all laws now in force authorizing the levy and collection of any tax for State Debt Sinking Fund purposes.

Also, House Bill No. 343. An act to raise revenue for State purposes, for the years 1871 and 1872, and subsequent years, and declaring an emergency.

Which are herewith transmitted to the House.

Mr. Martin of Putnam, offered the following resolution:

*Resolved*, That the further consideration of House Bill No. 291, and reports in relation thereto, be postponed, and that it be made the special order for Monday next at 11 o'clock A. M.

Mr. McDonald moved to lay the resolution on the table.

On which the ayes and noes were demanded by Messrs. Biggs and Calkins of Porter.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Gordon of Cass,	Mitchell,
Barnaby,	Guthrie,	Montgomery,
Britton,	Hardin,	Neff,
Browning,	Hartley,	Oatley,
Bruner,	Hawley,	Sansberry,
Caldwell,	Haynes,	Simpson,
Canthorn,	Henderson,	Shutt,
Cogswell,	Hendry,	Stanley,
Copner,	Holland,	Stephens,
Cox,	Hynes,	Tarlton,
Cunningham,	McDonald,	Taughinbaugh,
Davidson,	McDowell,	Tebbs,
Devol,	McFarland,	Walker,
Donham,	McGowan,	Warrum,
Gallentine,	Minick,	Zenor,
Gentry,	Miles,	Mr. Speaker—49.
Goble,		

*Those who voted in the negative were, Messrs.*

Ballenger,	Kennedy,	Sabin,
Beeler,	King,	Sayers,
Biggs,	Kirkpatrick,	Snodgrass,
Butterworth,	Knight,	Stephenson,
Calkins of Fulton,	Lines,	St. John,
Calkins of Porter,	Major,	Stone,
Conner,	Martin of Wayne,	Strickland,
Defrees,	Martin of Putnam,	Taylor,
Deputy,	Millikan,	Washburn,
Friedley,	Monroe,	White,
Furnas,	Myers,	Williams,
Gordon of Boone,	Netherton,	Wilson,
Heilman,	Rawles,	Wood.
Hill,	Rhodes,	Woodward.
Hooker,	Ruddell,	Wymer—45.

So the motion to lay the motion on the table prevailed.

Mr. Simpson moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question recurring on concurring in the report of the minority.

The ayes and noes were demanded by Messrs. Ballenger and Biggs.

*Those who voted in the affirmative were, Messrs.*

Ballenger,	Furnas,	Major,
Beeler,	Gordon of Boone,	Martin of Wayne,
Biggs,	Heilman,	Martin of Putnam,
Butterworth,	Hill,	Millikan,
Calkins of Fulton,	Hooker,	Monroe,
Calkins of Porter,	Kennedy,	Myers,
Conner,	King,	Netherton,
Defrees,	Kirkpatrick,	Rawles,
Deputy,	Knight,	Rhodes,
Friedley,	Lines,	Ruddell,



Sabin,	Stone,	Williams,
Sayers,	Strickland,	Wilson,
Snodgrass,	Taylor,	Wood,
Stephenson,	Washburn,	Woodward,
St. John,	White,	Wymer—45.

*Those who voted in the negative were, Messrs.*

Abbett,	Gentry,	Montgomery,
Barnaby,	Goble,	Neff,
Britton,	Gordon of Cass,	Oatley,
Browning,	Guthrie,	Sansberry,
Bruner,	Hardin,	Simpson,
Caldwell,	Hartley,	Shutt,
Canthorn,	Hawley,	Stanley,
Coggsell,	Hynes,	Stephens,
Copner,	McDonald,	Tarlton,
Cox,	McDowell,	Taughinbaugh,
Cunningham,	McFarland,	Tebbs,
Davidson,	McGowan,	Walker,
Devol,	Minick,	Warrum,
Donham,	Miles,	Zenor,
Gallentine,	Mitchell,	Mr. Speaker—48.

So the report of the minority was not concurred in.

A message from the Senate, by Mr. Harrison, Secretary thereof:

MR. SPEAKER:

I am directed by the President of the Senate to inform the House, that the Senate has passed engrossed Senate Bill No. 37. A bill to amend an act entitled "An act districting the State, for the purpose of electing four judges of the Supreme Court, approved, February 19, 1852, and creating the Fifth District."

And the same is herewith transmitted to the House.

I am further authorized to inform the House, that the President of the Senate has signed enrolled act thereof No. 152. An act to extend the time for the completion of railroads in cases in which the time has been heretofore extended, and the roads are not yet finished.

And the same is herewith transmitted to the House for the signature of the Speaker.

Also, that the Senate has passed enrolled act thereof No 151. An act to legalize certain acts of corporations organized or attempted to be organized under and by virtue of an act authorizing the construction of plank, macadamized and gravel roads.

In which the House is requested to concur.

I am also instructed by the Senate to inform the House, that the President has signed enrolled House Bill No. 343. An act to raise revenue for State purposes, for the years 1871 and 1872, and for subsequent years, and declaring an emergency.

Which is herewith returned to the House.

Mr. McDonald moved that the bill be now read a second time.

Which was agreed to.

Mr. Biggs moved that the House go into a committee of the whole, and consider the bill by sections.

On which the ayes and noes were demanded by Messrs. Biggs and Friedley.

*Those who voted in the affirmative were, Messrs.*

Ballenger,	Kennedy,	Ruddell,
Beeler,	King,	Sabin,
Biggs,	Kirkpatrick,	Sayers,
Butterworth,	Knight,	Snodgrass,
Calkins of Fulton,	Lines,	Stephenson,
Calkins of Porter,	Major,	St. John,
Conner,	Martin of Putnam,	Stone,
Defrees,	Martin of Wayne,	Strickland,
Deputy,	Millikan,	Taylor,
Friedley,	Monroe,	Washburn,
Gordon of Boone,	Myers,	Wilson,
Heilman,	Netherton,	Wood,
Hill,	Rawles,	Woodward,
Hooker,	Rhodes,	Wymer—42.

*Those who voted in the negative were, Messrs.*

Abbett,	Guthrie,	Montgomery,
Britton,	Hardin,	Neff,
Browning,	Hartley,	Oatley,
Bruner,	Hawley,	Ray,
Caldwell,	Haynes,	Sansberry,
Cauthorn,	Hendry,	Simpson,
Cogswell,	Henderson,	Shutt,
Copner,	Holland,	Stanley,
Cox,	Hynes,	Stephens,
Cunningham,	McDonald,	Tarlton,
Davidson,	McDowell,	Taughinbaugh,
Devol,	McFarland,	Tebbs,
Donham,	McGowan,	Walker,
Gallentine,	Minick,	Warrum,
Gentry,	Miles,	Zenor,
Goble,	Mitchell,	Mr. Speaker—49.
Gordon of Cass,		

So the motion was not agreed to.

House Bill No. 291. An act to amend sections 2 and 3 of an act entitled "An act to fix the number of Senators and Representatives to the General Assembly of the State of Indiana, and to apportion the same among the several counties of the State," approved February 26, 1867.

Which was read a second time.

The question being on the amendment offered by the committee.

In section 1, and the last two lines shall be amended to read as follows :

Lagrange and Steuben—one.

Noble and Dekalb—one.

Mr. Zenor moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being on the amendment reported by the committee.

The ayes and noes were demanded by Messrs. Calkins of Fulton and Biggs.

*Those who voted in the affirmative were, Messrs.*

Abbett,	Gordon of Cass,	Montgomery,
Barnaby,	Guthrie,	Neff,
Britton,	Hardin,	Oatley,
Browning,	Hartley,	Ray,
Bruner,	Hawley,	Sansberry,
Caldwell,	Haynes,	Simpson,
Cauthorn,	Henderson,	Shutt,
Coggswell,	Hendry,	Stanley,
Copner,	Holland,	Stephens,
Cox,	Hynes,	Tarlton,
Cunningham,	McDonald,	Taughinbaugh,
Davidson,	McDowell,	Tebbs,
Devol,	McFarland,	Walker,
Donham,	McGowan,	Warrum,
Gallentine,	Minick,	Zenor,
Gentry,	Mitchell,	Mr. Speaker—49.
Goble,		

*Those who voted in the negative were, Messrs.*

Ballenger,	Hooker,	Rhodes,
Beeler,	Kennedy,	Ruddell,
Biggs,	King,	Sabin,
Butterworth,	Knight,	Snodgrass,
Calkins of Fulton,	Kirkpatrick,	Stephenson,
Calkins of Porter,	Lines,	St. John,
Conner,	Major,	Strickland,
Defrees,	Martin of Wayne,	Taylor,
Deputy,	Martin of Putnam,	Washburn,
Friedley,	Millikan,	White,
Furnas,	Monroe,	Wilson,
Gordon of Boone,	Myers,	Wood,
Heilman,	Netherton,	Woodward,
Hill,	Rawles,	Wymer—44.

So the amendment was agreed to.

Mr. McDonald moved that the bill be ordered to engrossment, and be made the special order for to-morrow morning at 9 o'clock, on which motion he demanded the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was so ordered.

The question being, shall House Bill No. 291 be made the special order for 9 o'clock to-morrow morning?

On which the ayes and noes were demanded by Messrs. Ballenger and Biggs.

*Those who voted in the affirmative were, Messrs.:*

Abbett,	Guthrie,	Montgomery,
Barnaby,	Hardin,	Neff,
Britton,	Hartley,	Oatley,
Browning,	Hawley,	Ray,
Bruner,	Haynes,	Sansberry,
Canthorn,	Henderson,	Simpson,
Coggsell,	Hendry,	Shutt,
Copner,	Holland,	Stanley,
Cox,	Hynes,	Stephens,
Cunningham,	McDonald,	Tarleton,
Davidson,	McDowell,	Taughinbaugh,
Devol,	McFarland,	Tebbs,
Donham,	McGowan,	Walker,
Gallentine,	Minick,	Warrum,
Gentry,	Miles,	Zenor,
Goble,	Mitchell,	Mr. Speaker—49.

*Those who voted in the negative were, Messrs.*

Ballenger,	Conner,	Heilman,
Beeler,	Defrees,	Hill,
Biggs,	Deputy,	Hooker,
Butterworth,	Friedley,	Kennedy,
Calkins of Fulton,	Furnas,	King,
Calkins of Porter,	Gordon of Boone,	Kirkpatrick,

Knight,	Rawles,	Strickland,
Lines,	Rhodes,	Taylor,
Major,	Ruddell,	Washburn,
Martin of Putnam,	Sabin,	White,
Martin of Wayne,	Sayers,	Williams,
Millikan,	Snodgrass,	Wilson,
Monroe,	Stephenson,	Wood,
Myers,	St. John,	Woodward,
Netherton,	Stone,	Wymer—45.

So the motion was agreed to.

Mr. Neff moved that the committee on printing be allowed a clerk.

Which was agreed to.

A message from the Senate, by the Secretary thereof:

MR. SPEAKER:

I am authorized to inform the House that the Senate has passed engrossed bill thereof No. 94. An act to prevent public roads from being changed or obstructed in certain cases therein provided for.

I am also authorized to inform the House that the President of the Senate has signed enrolled House Act No. 342.

And the same are herewith returned to the House.

Mr. Williams presented the claim of the Guttenburg Company, for copies of Daily and Weekly Telegraph newspaper.

Also, the claim of the Sunday Post Company, for copies of Sunday Post newspaper.

Which was,

On motion,

Referred to the committee on claims.

Mr. Abbett presented the claim of A. E. S. Long, for amount of purchase money for certain lands heretofore erroneously paid to the State.

Which was,

On motion,

Referred to the committee on claims.

Leaves of absence on account of sickness, were granted to Messrs. Martin of Wayne and Stephenson.

Engrossed House Bill No. 267. An act to provide for the payment into the general fund of the State Treasury, all moneys not needed, belonging to the State debt sinking fund.

Which was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Haynes,	Rawles,
Ballenger,	Heilman,	Ray,
Beeler,	Henderson,	Rhodes,
Biggs,	Hendry,	Ruddell,
Britton,	Hill,	Sabin,
Browning,	Holland,	Sansberry,
Barnaby,	Hooker,	Sayers,
Bruner,	Hynes,	Simpson,
Butterworth,	Kennedy,	Shutt,
Caldwell,	King,	Snodgrass,
Calkins of Fulton,	Kirkpatrick,	Stanley,
Cauthorn,	Knight,	Stephens,
Coggsell,	Lines,	Stone,
Conner,	Major,	Strickland,
Copner.	Martin of Wayne,	Tarlton,
Cunningham,	Martin of Putnam,	Taughinbaugh,
Davidson,	McDonald,	Taylor,
Defrees,	McDowell,	Tebbs,
Deputy,	McFarland,	Walker,
Devol,	McGowan,	Washburn,
Donham,	Minick,	Warrum,
Friedley,	Miles,	Williams,
Furnas,	Millikan,	White,
Gallentine,	Mitchell,	Wilson,
Gentry,	Monroe,	Wymer,
Goble,	Montgomery,	Wood,
Gordon of Boone,	Myers,	Woodward,
Guthrie,	Neff,	Zenor,
Hardin,	Netherton,	Mr. Speaker—90.
Hartley,	Oatley,	

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered*, That the Clerk inform the Senate of the passage of the bill.

Engrossed House Bill No. 235. Entitled an act to amend "An act to provide a treasury system for the State of Indiana, for the manner of receiving, holding and disbursing the public moneys of the State, and for the safe-keeping of the moneys," passed March 1, 1859, notwithstanding the objection of the Governor, by adding a section thereto affixing penalties for the violation of the provisions of said act.

Which was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Abbett,	Hill,	Rhodes,
Ballenger,	Hooker,	Ruddell,
Beeler,	Kennedy,	Sayers,
Biggs,	King,	Snodgrass,
Butterworth,	Kirkpatrick,	St. John,
Cauthorn,	Knight,	Stone,
Conner,	Lines,	Strickland,
Cunningham,	Major,	Taylor,
Davidson,	Martin of Wayne,	Tebbs,
Defrees,	*Martin of Putnam,	Washburn,
Deputy,	Miles,	Williams,
Friedley,	Millikan,	White,
Furnas,	Monroe,	Wilson,
Gordon of Boone,	Myers,	Wood,
Heilman,	Netherton,	Woodward,
Henderson,	Ray,	Wymer—45.
Hendry,		



*Those who voted in the negative were, Messrs.*

Britton,	Goble,	Montgomery,
Browning,	Hartley,	Neff,
Barnaby,	Hawley,	Oatley,
Bruner,	Haynes,	Sansberry,
Coggswell,	Hynes,	Simpson,
Copner,	McDonald,	Shutt,
Cox,	McDowell,	Tarlton,
Devol,	McFarland,	Taughinbaugh,
Donham,	McGowan,	Walker,
Gallentine,	Minick,	Warrum,
Gentry,	Mitchell,	Zenor—34.

So the bill failed to pass for want of a constitutional majority.

Mr. Tebbs offered the following concurrent resolution :

*Resolved by this House, (the Senate concurring,) That the State Printer be and he is hereby authorized and directed to print one thousand (1,000) copies of the acts of the present session of the General Assembly in the German language—the same to be distributed to the various county clerks, as now provided by law.*

Mr. Wilson offered the following resolution :

*Resolved, That the committee of ways and means be and they are hereby authorized to insert an allowance in the specific appropriation bill, the sum of one hundred dollars, in the payment for the calender prepared by O. M. Wilson, late Secretary of the Senate, of Senate bills and joint resolutions introduced and pending in the Senate upon the adjournment of the regular session, March 8, 1869, also, of House bills and joint resolutions received and pending in the Senate at adjournment, March 8, 1869, said calender having been prepared for the special session of the Legislature of 1869.*

Which was,

On motion,

Referred to the committee on ways and means.

Mr. Netherton from the committee on county and township business, submitted the following report :

MR. SPEAKER:

The committee on county and township business, to whom was referred a petition offered by Mr. Netherton, from the legal voters of the county of Starke, in the State of Indiana, asking a change in part of the northern and western boundary lines of said county, have had the same under consideration, and hereby submit as our report thereon, that we deem the reasons set forth in said petition as competent for the purposes therein designated, and recommend the introduction of a bill providing for the required change in the boundary lines of the said county of Starke, in this State.

Which report was accepted.

Mr. Netherton, by unanimous consent, introduced

House Bill No. 366. An act describing the northern and western boundary lines of the county of Starke, in the State of Indiana, and repealing all laws and parts of laws in conflict with the same.

Which was read a first time, and passed to its second reading.

Mr. Taylor moved that House Bill No. 344 be taken up.

Which was not agreed to.

When,

On motion of Mr. Cox,

The House adjourned.

## THURSDAY MORNING.

FEBRUARY 23, 1871, 9 O'CLOCK.

The House met.

Mr. McDonald moved a call of the House.

On which the ayes and noes were demanded by Messrs. Martin of Putnam and Washburn.

A message from the Governor, by John M. Commons, his private Secretary :

EXECUTIVE DEPARTMENT,  
INDIANAPOLIS, February 23, 1871.

MR. SPEAKER:

I am directed by the Governor, to transmit to the House his message announcing his receipt and acceptance of the resignations of thirty-four members of the House.

JOHN. M. COMMONS,  
Private Secretary.

EXECUTIVE DEPARTMENT,  
INDIANAPOLIS, February 23, 1871.

*Gentlemen of the Senate and House of Representatives :*

Thirty-four members of the House of Representatives of the present General Assembly of the State of Indiana, have placed their written resignations of their offices as members of said House of Representatives in my hands as Governor of the State, and have consequently ceased to be members of said House of Representatives.

The following are the names of the Representatives who have thus resigned, with the names of the counties of which they were Representatives, to wit :

Wm. S. Ballenger, Representative from the county of Wayne.  
 Fielding Beeler, Representative from the county of Marion.  
 Hiram S. Biggs, Representative from the county of Kosciusko.  
 W. W. Butterworth, Representative from the county of St. Joseph.  
 Edward Calkins, Representative from the counties of Kosciusko  
 and Fulton.

William H. Calkins, Representative from the county of Porter.

W. W. Conner, Representative from the counties of Hamilton  
 and Tipton.

G. W. Friedley, Representative from the county of Lawrence.

Anthony E. Gordon, Representative from the county of Boone.

William Heilman, Representative from the county of Vander-  
 burgh.

Benjamin F. Hill, Representative from the counties of Rush and  
 Decatur.

Robert P. Hooker, Representative from the county of Vander-  
 burgh.

A. M. Kennedy, Representative from the county of Rush.

Edward King, Representative from the county of Marion.

T. M. Kirkpatrick, Representative from the county of Howard.

John L. Knight, Representative from the counties of Wabash  
 and Miami.

T. S. Lines, Representative from the counties of Henry and  
 Madison.

John R. Millikan, Representative from the county of Henry.

Elam Myers, Representative from the county of Elkhart.

George A. Netherton, Representative from the counties of Laporte  
 and Starke.

W. Rawles, Representative from the county of LaGrange.

William P. Rhodes, Representative from the county of Warren.

James H. Ruddell, Representative from the county of Marion.

S. C. Sabin, Representative from the county of Steuben.

Daniel Sayers, Representative from the county of Wabash.

James P. Snodgrass, Representative from the county of Delaware.

Robert T. St. John, Representative from the county of Grant.

Asahel Stoue, Representative from the county of Randolph.

William T. Strickland, Representative from the county of Decatur.

Henry A. White, Representative from the county of Vermillion.

Oliver M. Wilson, Representative from the county of Marion.

Benj. F. Williams, Representative from the counties of Fayette  
 and Union.

Martin Wood, Representative from the county of Lake.

John E. Woodward, Representative from the county of Parke.

Said resignations were all presented to and accepted by me on the 22d day of February, 1871, after the adjournment of the House on that day.

CONRAD BAKER,  
Governor of Indiana.

Mr. McDonald moved that the call of the House be dispensed with.

Which was agreed to.

The Chair announced that the special order for 9 o'clock was the consideration of Senate Bill No. 28, making provision for another judge of the Supreme Court; which said order of business had precedence of the order for the consideration of the apportionment bill (No. 291) set for the same hour.

A message from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed House Bill No. 122, "A bill to appropriate one hundred and fifty dollars for the distribution of the Report of the Superintendent of Public Instruction."

Also, House Bill No. 137, "A bill to fix the time of holding the Courts of Common Pleas in the Sixteenth Judicial District, and repealing all laws in conflict herewith."

Also, House Bill No. 234, "A bill providing for a general system of common schools in all cities of thirty thousand or more inhabitants, and for the election of a board of school commissioners for such cities, and defining their duties and prescribing their powers, and providing for common school libraries within such cities."

Also, Senate Bill No. 174, "A bill for an act to amend an act entitled 'an act to authorize aid to the construction of railroads by counties and townships taking stock and making donations to railroad companies,' approved May 12, 1869."

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Also, Senate Bill No. 216, "A bill to authorize the boards of commissioners of the several counties of this State to appropriate money to aid in putting or keeping in repair any canal running in, through, or along or by any such county.

Also, Senate Bill No. 185, "A bill declaring the true intent and meaning of 'An act to authorize aid to the construction of railroads by counties and townships taking stock in and making donations to railroad companies,' approved May 12, 1869, and legalizing certain elections held under said act."

All which are herewith transmitted to the House for its action.

I am also directed by the Senate to inform the House that the Senate has passed House concurrent resolution as follows :

WHEREAS, Senate Bill No. 4 provides that the same shall be in force from and after its passage ; therefore,

*Resolved by the House, (the Senate concurring,) That for the benefit and information of the several officers of this State whose fees are defined therein, the Secretary of State is authorized and directed to have five thousand copies of said bill printed in pamphlet form and distributed to the several counties of this State upon its approval by the Governor.*

Mr. Deputy moved a call of the House.

Mr. McDonald moved to lay the motion on the table.

On which, the ayes and noes were demanded by Messrs. Defrees and Washburn.

Which demand was, by the Chair decided out of order, for the reason that the message of the Governor showed there was no quorum, and that where there is no quorum present, the ayes and noes can not be demanded, and if called, there is no House to enforce answers.

When,

On motion of Mr. Zenor,  
The House adjourned.

## FRIDAY MORNING.

FEBRUARY 24, 1871. 9 O'CLOCK.

The House met.

Mr. Martin of Putnam moved a call of the House.

*Those who answered to their names were, Messrs.*

Abbett,	Furnas,	Montgomery,
Barnaby,	Gallentine,	Neff,
Britton,	Goble,	Oatley,
Browning,	Hardin,	Sansberry,
Bruner,	Hawley,	Shutt,
Caldwell,	Haynes,	Stanley,
Canthorn,	Hynes,	Stephens,
Coggsell,	Martin of Putnam,	Stephenson,
Copner,	McDonald,	Taughinbaugh,
Cox,	McFarland,	Taylor,
Cunningham,	McGowan,	Washburn,
Defrees,	Miles,	Warrum,
Deputy,	Minick,	Zenor,
Devol,	Mitchell,	Mr. Speaker—41.
Donham,	Monroe,	

On motion,

Further proceedings under the call were dispensed with.

When,

On motion of Mr. Martin of Putnam.

The House adjourned.

## SATURDAY MORNING.

FEBRUARY 25, 1871, 9 O'CLOCK.

The Speaker ordered a call of the House.

*Those answering to their names were, Messrs.*

Abbett,	Guthrie,	Miles,
Britton,	Henderson,	Neff,
Browning,	Hendry,	Oatley,
Caldwell,	Hynes,	Tebbs,
Coggsell,	Martin of Wayne,	Walker,
Cox,	McDonald,	Wymer,
Defrees,	McDowell,	Zenor,
Donham,	McFarland,	Mr. Speaker—26.
Galentine,	Minick,	

On motion,  
Further proceedings under the call were dispensed with.

On motion of Mr. Zenor,  
The House adjourned.



## MONDAY MORNING.

FEBRUARY 27, 1871, 9 O'CLOCK.

The House met.

Mr. Neff moved that Mr. Browning take the chair.

Which was agreed to.

The Speaker ordered a call of the House.

*Those answering to their names were, Messrs.*

Britton,	Holland,	Miles,
Browning,	Hynes,	Neff,
Cauthorn,	Martin of Wayne,	Simpson,
Coggsell,	McDonald,	Taylor,
Hardin,	McDowell,	Tebbs,
Haynes,	McFarland,	Wymer,
Hendry,	McGowan,	Zenor—21.

Mr. Neff moved that further proceedings under the call be dispensed with.

Which was agreed to.

Whereupon, there being no quorum present, the Speaker declared the House adjourned until to-morrow morning at 9 o'clock.

## TUESDAY MORNING.

FEBRUARY 28, 1871, 9 O'CLOCK.

The House met.

The Speaker then said:

*Gentlemen of the House:*

When we met on yesterday the Senate had not adjourned, and it was the opinion of the Chair that we ought to continue our meetings and adjournments until that body had taken definite action on bringing the legislature to a close. When the Senate met in the afternoon, it found a number of bills on file that had passed the House. A proposition was made to take them up, when it was announced by the Lieutenant Governor that he would sign no bills if the Senate passed them, for the reason that this House had not a quorum.

The majority of this House are a unit in the opinion that sixty-seven members are necessary to transact legislative business, and will be gratified to learn that the Lieutenant Governor, who is an able lawyer and parliamentarian, now endorses the doctrine which declares that the infamous fifteenth amendment and the specific appropriation bill, passed after more than one-third of the members of each House had resigned, was a fraud upon the people and null and void. This announcement of the Lieutenant Governor was evidence that nothing good could be accomplished by the Senate remaining in session, therefore a resolution must pass adjourning *sine die*.

We are, this morning, left in an anomalous position—a part of a Legislative branch powerless to act.

Before the adjournment of the Senate, it was supposed by the Lieutenant Governor that we had signed all the bills that had passed both Houses, but since that body has adjourned I have learned that the Indianapolis school bill, in which the city took some interest, had not been signed by any of us, therefore, at present, I am inclined to the opinion that the bill can not become a law. The reason why this bill was not signed was because the members from the county of

Marion, who had the bill in charge, resigned as soon as it passed the House and Senate, and it was left with no one to look after it, and in the impression that followed the suspension of business in the House it was overlooked and not enrolled until the Senate had adjourned *sine die*. The people of Indianapolis who may regret the loss of this bill will have to settle the account with their own Representatives, who, with others, were so frightened lest another bill might be passed a week hence that they stampeded at midnight and resigned their seats at an hour when honest men should be asleep.

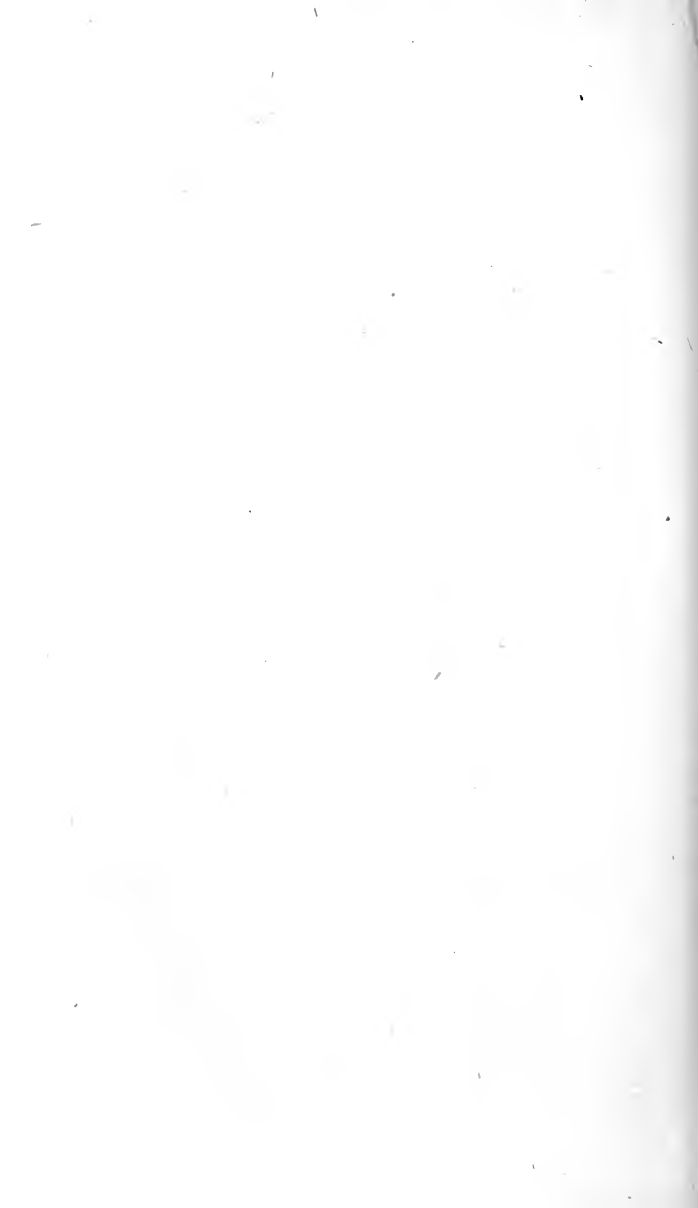
I have no reproaches here to cast upon the members who, in the midst of the session, without excuse, broke a quorum, and thereby prevented the enactment of laws demanded by the people. They may be able to satisfy their credulous constituents, that the fact that the apportionment bill might have come up for final action in a week was a sufficient cause for them to resign in hot haste at midnight, and that the moneyed anti-bank-tax lobby members who attended the resignation caucus, and the lobby to prevent the railroad assessment, being increased from thirty to forty millions, together with a lively desire among old officials who attended the caucus, to prevent the lowering of "house rent," the investigation into Superintendent's reports, and an examination into the official affairs of former Treasurers of State, had no influence with them.

I have heard no charge, and would be slow to believe it if made, that the moneyed rings and lobbyists used any money upon the members who resigned to influence their action; still it is known that the lobbyists and others having pecuniary interest in defeating bills were active in urging members to resign. They made the apportionment bill the "bug bear" to scare the voters—to scare them into their wicked and unpardonable act, thereby playing into the hands of a moneyed lobby and moneyed interests.

For those whose partiality placed me in the high official position I have occupied in the House, it affords me heartfelt pleasure here to say that every one has shown himself worthy of the trust—a more faithful, industrious, honorable class of men never assembled in this hall.

For the *gentlemen* of the opposition I entertain only feelings of respect and friendship. I am proud of having made their acquaintance, and hope to retain it as long as I live.

Our power and usefulness as a body have ended, and having no authority to hear a motion to adjourn, and by common consent of the members present, I declare the House adjourned without day.



# CALENDAR OF BILLS AND JOINT RESOLUTIONS.

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## HOUSE BILLS IN HANDS OF COMMITTEES.

NO.	BY WHOM INTRODUCED.
1.....	Mr. Stephens.
15.....	Mr. St. John.
16.....	Mr. Stephens.
17.....	Mr. Browning.
26.....	Mr. Washburn.
31.....	Mr. Biggs.
35.....	Mr. Taylor.
39.....	Mr. Warrum.
41.....	Mr. Lines.
45.....	Mr. Wymer.
47.....	Mr. Browning.
48.....	Mr. Cox.
50.....	Mr. Copner.
64.....	Mr. Millikan.
65.....	Mr. Tebbs.
71.....	Mr. Rhodes.
78.....	Mr. Copner.
91.....	Mr. Mitchell.
92.....	Mr. Defrees.
98.....	Mr. Cox.
111.....	Mr. Davidson.
112.....	Mr. Stephens.
113.....	Mr. McDowell.
115.....	Mr. Ballenger.
120.....	Mr. Rhodes.
123.....	Mr. Abbett.
125.....	Mr. McFarland.
131.....	Mr. Rice.
133.....	Mr. Warrum.
141.....	Mr. Beeler.
146.....	Mr. Stone.
147.....	Mr. Washburn.
155.....	Mr. Knight.
156.....	Mr. Butterworth.
157.....	Mr. Wilson.
160.....	Mr. Gordon of Boone.

NO.	BY WHOM INTRODUCED.
166.....	Mr. Haynes.
176.....	Mr. Deputy.
181.....	Mr. Ruddell.
186.....	Mr. Major.
187.....	Mr. Calkins of Porter.
190.....	Mr. Haynes.
204.....	Mr. Ruddell.
228.....	Mr. Simpson.
236.....	Mr. Wilson.
248.....	Mr. Henderson.
249.....	Mr. Henderson.
250.....	Mr. Holland.
251.....	Mr. Holland.
252.....	Mr. Davidson.
254.....	Mr. Heilman.
260.....	Mr. Ballenger.
263.....	Mr. Miniek.
264.....	Mr. Shoenemann.
273.....	Mr. Williams.
275.....	Mr. Browning.
279.....	Mr. Tebbs.
283.....	Mr. St. John.
290.....	Mr. Cauthorn.
295.....	Mr. Calkins of Porter.
301.....	Mr. Stone.
303.....	Mr. Davidson.
306.....	Mr. White.
318.....	Mr. Mitchell.
319.....	Mr. Mitchell.
324.....	Mr. Miniek.
324.....	Mr. Copner.
333.....	Mr. Simpson.
334.....	Mr. Ray.
335.....	Mr. Rhodes.
336.....	Mr. Stephenson.
340.....	Mr. Browning.
347.....	Mr. Davidson.
351.....	Com. on Rights and Priv's.
353.....	Mr. Taylor.
361.....	Mr. Tebbs.
362.....	Mr. McGowan.
363.....	Mr. McGowan.

## HOUSE BILLS LAID ON THE TABLE.

NO.	BY WHOM INTRODUCED.
5.....	Mr. Warrum.
7.....	Mr. Martin of Putnam.
8.....	Mr. Calkins of Porter.
12.....	Mr. Calkins of Fulton.
13.....	Mr. Conner.
14.....	Mr. Rhodes.
24.....	Mr. Ballenger.
28.....	Mr. Gordon of Boone.
29.....	Mr. Martin of Putnam.
30.....	Mr. Stephenson.
33.....	Mr. Britton.
34.....	Mr. Rhodes.
36.....	Mr. Zenor.

NO.	BY WHOM INTRODUCED.
37.....	Mr. Kennedy.
46.....	Mr. Browning.
49.....	Mr. Defrees.
51.....	Mr. Copner.
52.....	Mr. McDowell.
53.....	Mr. Deputy.
54.....	Mr. Rice.
56.....	Mr. Calkins of Porter.
60.....	Mr. Mitchell.
66.....	Mr. Ruddell.
70.....	Mr. Britton.
76.....	Mr. Tebbs.
80.....	Mr. Cauthorn.
86.....	Mr. Kirkpatrick.
87.....	Mr. Hawley.
89.....	Mr. Ruddell.
95.....	Mr. Conner.
107.....	Mr. Lines.
108.....	Mr. Bruner.
110.....	Mr. Martin of Wayne.
117.....	Mr. Rhodes.
118.....	Mr. Browning.
130.....	Mr. Cunningham.
135.....	Mr. Bruner.
143.....	Mr. Major.
148.....	Mr. Kennedy.
150.....	Mr. Holland.
153.....	Mr. Martin of Wayne.
164.....	Mr. Cox.
171.....	Mr. Calkins of Fulton.
172.....	Mr. Calkins of Fulton.
179.....	Mr. Friedly.
189.....	Mr. Haynes.
192.....	Mr. Kennedy.
194.....	Mr. Miles.
196.....	Mr. Heilman.
197.....	Mr. White.
201.....	Mr. Rhodes.
203.....	Com. on Fees and Salaries.
207.....	Mr. Cauthorn.
211.....	Mr. Barnaoy.
213.....	Mr. Caldwell.
217.....	Mr. Tebbs.
240.....	Mr. Woodward.
255.....	Mr. Hooker.
258.....	Mr. Rhodes.
289.....	Mr. Simpson.
299.....	Mr. Montgomery.
310.....	Mr. Martin of Wayne.
312.....	Mr. White.
320.....	Mr. Taylor.
328.....	Mr. Cunningham.
331.....	Mr. Holland.

## HOUSE BILLS ON THEIR SECOND READING.

NO.	BY WHOM INTRODUCED.
18.....	Mr. Britton.
20.....	Mr. Stone.
21.....	Mr. Warrum.

NO.	BY WHOM INTRODUCED.
61.....	Mr. Defrees.
81.....	Mr. Ballenger.
90.....	Mr. Ruddell.
128.....	Mr. Strickland.
154.....	Mr. Martin of Wayne.
158.....	Mr. Abbett.
161.....	Mr. Minick.
168.....	Mr. Rice.
169.....	Mr. Goble.
198.....	Mr. White.
200.....	Mr. Rhodes.
220.....	Mr. Williams.
224.....	Mr. Minick.
226.....	Mr. Simpson.
227.....	Mr. Simpson.
229.....	Mr. Simpson.
232.....	Mr. Rawles.
238.....	Mr. Woodward.
239.....	Mr. Woodward.
242.....	Mr. Neff.
243.....	Mr. Neff.
257.....	Mr. Knight.
272.....	Mr. Kennedy.
280.....	Mr. Snodgrass.
292.....	Mr. Ruddell.
293.....	Mr. Mitchell.
296.....	Mr. Calkins of Porter.
297.....	Mr. Calkins of Porter.
298.....	Mr. Neff.
300.....	Mr. Stone.
302.....	Mr. Netherton.
304.....	Mr. Davidson.
305.....	Mr. Hellman.
209.....	Mr. Ballenger.
311.....	Mr. Martin of Wayne.
314.....	Mr. Warrum.
313.....	Mr. Biggs.
316.....	Com. on Fees and Salaries.
317.....	Mr. Mitchell.
321.....	Mr. Taylor.
322.....	Mr. Taylor.
323.....	Mr. Taylor.
325.....	Mr. St. John.
326.....	Mr. Hendry.
330.....	Mr. Major.
332.....	Mr. Cogswell.
337.....	Joint Com. on Railroads.
338.....	Joint Com. on Railroads.
341.....	Committee on Benev. Inst.
344.....	Mr. Taylor.
346.....	Joint Com. on Railroads.
348.....	Joint Com. on Railroads.
349.....	Committee on Judiciary.
350.....	Committee on Judiciary.
252.....	Mr. McGowan.
354.....	Mr. Abbett.
355.....	Mr. Browning.
256.....	Mr. Browning.
357.....	Mr. Gordon of Cass.
358.....	Mr. Barnaby.
360.....	Mr. Cogswell.
364.....	Mr. Warrum.



NO.	BY WHOM INTRODUCED.
365.....	Mr. Millikan.
366.....	Mr. Netherton.

## HOUSE BILLS ON THEIR THIRD READING.

NO.	BY WHOM INTRODUCED.
19.....	Mr. Barnaby.
27.....	Mr. Taylor.
57.....	Mr. Myers.
59.....	Mr. Warram.
77.....	Mr. Cunningham.
82.....	Mr. Calkins of Porter.
85.....	Mr. Browning.
92.....	Mr. Cunningham.
93.....	Mr. Biggs.
94.....	Mr. Furnas.
97.....	Mr. Tebbs.
100.....	Mr. Hooker.
104.....	Mr. Major.
114.....	Mr. St. John.
116.....	Mr. McDonald.
121.....	Mr. Taylor.
138.....	Mr. King.
139.....	Mr. Ruddell.
149.....	Mr. Heilman.
152.....	Mr. Ballenger.
159.....	Mr. Taughinbaugh.
162.....	Mr. Minick.
163.....	Mr. Barnaby.
165.....	Mr. Abbett.
178.....	Mr. Cauthorn.
182.....	Mr. Wilson.
183.....	Mr. Ruddell.
193.....	Mr. Kennedy.
195.....	Mr. Netherton.
203.....	Committee on Elections.
205.....	Mr. McDonald.
209.....	Mr. Calkins of Porter.
210.....	Mr. Browning.
212.....	Mr. Caldwell.
214.....	Mr. Caldwell.
215.....	Mr. Haynes.
218.....	Mr. Strickland.
221.....	Mr. Williams.
222.....	Mr. Defrees.
223.....	Mr. St. John.
225.....	Mr. Conner.
230.....	Mr. Biggs.
233.....	Mr. Rawles.
241.....	Mr. Neff.
245.....	Mr. Washburn.
253.....	Mr. Stephenson.
256.....	Mr. White.
259.....	Mr. Oatley.
261.....	Mr. Ballenger.
262.....	Mr. Ballenger.
269.....	Com. on Co. and Tp. Bus's.
270.....	Committee on Corporations.
274.....	Mr. Copner.
276.....	Mr. McFarland.

NO.	BY WHOM INTRODUCED.
277.....	Mr. McDonald.
278.....	Mr. Barnaby.
281.....	Mr. Defrees.
282.....	Mr. Defrees.
284.....	Mr. Lines.
285.....	Mr. Kirkpatrick.
286.....	Mr. Kirkpatrick.
287.....	Mr. Washburn.
288.....	Mr. Washburn.
291.....	Mr. Cauthorn.
294.....	Mr. Major.
315.....	Mr. Taylor.

## HOUSE BILLS FAILED TO PASS.

NO.	BY WHOM INTRODUCED.
9.....	Mr. Browning.
82.....	Mr. Wilson.
68.....	Mr. McDonald.
99.....	Mr. Washburn.
119.....	Mr. Hawley.
126.....	Mr. Barnaby.
134.....	Mr. Millikan.
136.....	Mr. Biggs.
208.....	Mr. Taylor.

## HOUSE BILLS INDEFINITELY POSTPONED.

No.	BY WHOM INTRODUCED.
44.....	Mr. Ruddell.
55.....	Mr. Stone.
73.....	Mr. McDowell.
102.....	Mr. Gordon of Boone.
103.....	Mr. Calkins of Porter.
109.....	Mr. Rice.
124.....	Mr. Hawley.
127.....	Mr. Barnaby.
140.....	Mr. Beeler.
174.....	Mr. Hendry.
175.....	Mr. Bruner.
184.....	Mr. Gallentine.
199.....	Mr. Knight.
216.....	Mr. Washburn.
219.....	Mr. Snodgrass.
244.....	Mr. Martin of Putnam.
246.....	Mr. Washburn.
247.....	Mr. Stone.
308.....	Mr. Oatley.

## HOUSE BILLS FAILED TO PASS FOR WANT OF A CONSTITUTIONAL MAJORITY.

No.	BY WHOM INTRODUCED.
235.....	Mr. Ruddell.

## SENATE BILLS ON SECOND READING.

Nos. 34, 136, 11, 2, 53.

## SENATE BILLS IN HANDS OF COMMITTEES.

Nos. 8, 149, 35, 18.

## SENATE BILL FAILED TO PASS.

No. 69.

## SENATE BILLS ON FIRST READING.

Nos. 28, 24, 180, 37, 151, 94, 174, 185, 216.

## HOUSE JOINT RESOLUTIONS IN HANDS OF COMMITTEES.

No.	BY WHOM INTRODUCED.
6.....	Mr. Wagner.
8.....	Mr. Walker.
11.....	Mr. McDowell.
12.....	Mr. McDowell.
13.....	Mr. Mitchell.
15.....	Mr. Ballenger.
16.....	Mr. Calkins of Porter.

## SENATE JOINT RESOLUTION ON ITS FIRST READING.

No. 3.

## SENATE JOINT RESOLUTIONS IN HANDS OF COMMITTEES.

No.	BY WHOM INTRODUCED.
7.....	Mr. Hughes.
10.....	

# CALENDAR

*Of House Bills and Joint Resolutions, introduced, pending, and passed, up to date of adjournment of Regular Session, February 28, 1871. Also, Senate Bills and Joint Resolutions received, pending, and passed, to same date.*

No.	TITLE.	Introduced.	PROCEEDINGS THEREON.	Passed House.	Passed Senate.	OTHER PROCEEDINGS.	BY WHOM INTRODUCED.
1	AN ACT to regulate the salaries and compensation of county officers and repealing all laws granting fees and perquisites to said officers, inconsistent with this act, and providing for the violation of any of its provisions.	19	98, 99				Stephenson.
2	AN ACT to amend sections 4 and 5 of an act entitled "An act prescribing the power and duties of coroners," approved May 27, 1852, and providing for an emergency.	19	98	205	571	604, 734	Zenor.
3	AN ACT to fix the time for holding the Circuit Courts in the several counties of the Third Judicial Circuit, repealing all laws in conflict therewith, and declaring an emergency.	19	21, 26, 205, 260, 261	262			Cauthorn.
4	AN ACT in relation to voluntary assignments in trust for the benefit of creditors and defining the powers of Courts of Common Pleas in relation thereto in certain cases.	19	99, 410, 567	568			Tebbs.
5	AN ACT limiting and defining the jurisdiction of Grand Juries in certain criminal cases, and repealing all laws in conflict with this act.	20	99, 176				Warrum.
6	AN ACT to provide for the assessment and collection of taxes for municipal purposes, on the shares of stocks owned in banks, and banking associations doing business in this State.	26	99, 561, 625	626			Wiles.
7	AN ACT prescribing certain of the duties of the clerks, auditors, sheriffs and treasurers of the several counties of this State, fixing their compensation, prescribing penalties for the failure to discharge their duties, regulating the appointment of bailiffs, and their allowances, and repealing all laws in conflict with the provisions of this act.	26	99, 597, 721				Martin, of Putnam.

Calkins of Porter.

Browning.

St. John.

Tebbs.

Calkins of Fulton.

Conover.

Rhodes.

St. John.

Stephens.

Browning.

Britton.

Barnaby.

Stone.

Warrum.

Caldwell.

Woods.

Ballenger.

Major.

Washburn.

27 99, 158, 881

27 190, 194, 256, 374, 397, 628

28 158, 208, 230

231 538 734

28 179, 208, 231

232 571 604, 734

83 160, 724

84 920

84 185

85 160

85 160, 161

85 161, 175

85 371, 373, 883

85 161

86 449, 451

86 161, 178, 915

86 254, 301, 740

86 99, 158, 370, 398, 399

87 179

87 161, 601, 622

88 162

8 AN ACT to amend sections 1, 3, 6, 7, 8, 9, 10, 11, 12, 13, 15 and 17, of an act entitled an act to authorize and encourage the construction of levees, dykes and drains, and the reclamation of wet and overflowed lands, by incorporated companies, and to repeal all former laws relating to the same subject, going into effect May 22, 1869, providing remedies for persons interested, and penalties against corporations refusing to comply therewith, and declaring an emergency.

9 AN ACT to repeal an act entitled an act to discourage the keeping of useless and sheep-killing dogs, and providing penalties for the violation of any of the provisions of said act, by officers and others, and also, repealing an act to license dogs, approved March 11, 1861, and providing that nothing in this act shall be so construed as to conflict with the provisions of an act for the protection of sheep, approved June 15, 1852: approved March 2, 1865.

10 AN ACT to amend section 1 of an act entitled an act to amend section 43 of an act entitled an act providing for the settlement of decedent's estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement, approved July 17, 1852.

11 AN ACT fixing the beginning of the terms of the Court of Common Pleas of Dearborn county, in the Fifth Judicial District.

12 AN ACT repealing an act to authorize aid to the construction of rail roads, by counties, townships, etc.

13 AN ACT creating the Twenty-ninth Judicial Circuit, etc.

14 AN ACT amending section 2 of an act entitled an act concerning interest on money, and repealing all laws in conflict therewith, etc.

15 AN ACT to amend sections 6, 7, and 8, of an act regulating the granting of divorces, etc.

16 AN ACT to amend sections 6 and 7 of an act regulating the granting of divorces, etc.

17 AN ACT to amend section 22 of an act entitled an act prescribing duties and powers of justices of the peace in State prosecutions.

18 AN ACT to repeal section 2 of an act repealing sections 2, 3, 4, 5, 6, etc., of an act to provide for the registry of voters, etc.

19 AN ACT authorizing the Common Council of the city of Jeffersonville, to elect pikets, etc.

20 AN ACT to abolish the office of State Agent, etc.

21 AN ACT to amend sections 97 and 103, of an act entitled an act to revise, simplify, and abridge the rules, practices, pleadings, and forms, in criminal actions, etc.

22 AN ACT to amend an act entitled an act to enable the owners of wet lands to drain and reclaim the same, etc.

23 AN ACT to repeal the law authorizing the construction of drains, etc.

24 AN ACT to amend the practice and proceedings in criminal actions, and allowing accused persons to testify in their own behalf.

25 AN ACT to provide for the general system of common schools, the officers thereof, and their powers and duties connected therewith.

26 AN ACT to raise revenue for State purposes.

# CALENDAR OF HOUSE BILLS.—Continued.

978

No.	TITLE.	Introduced.	PROCEEDINGS THEREON.	Passed House.	Passed Senate.	OTHER PROCEEDINGS.	BY WHOM INTRODUCED.
27	AN ACT for the improvement of highways, and providing for the assessment, collection, and application of a road tax, and prescribing the duties of township trustees, county treasurer, boards of commissioners and other officers, in relation thereto, and repealing all laws inconsistent therewith.	88	162, 427, 428, 925				Taylor.
28	AN ACT regulating and fixing the salaries of certain county officers therein mentioned, and fixing their duties in certain cases, and fixing the pay of clerks and deputies employed by them.	88	162, 882				Gordon of Boone.
29	AN ACT regulating sections 3 and 4 of an act authorizing voluntary associations formed under an act concerning the organization of voluntary associations, and repealing former laws in reference thereto, approved February 12, 1853, to require title to lands that have heretofore been used as burial places, and to acquire additional lands for burial places, and declaring an emergency.	88	182, 375				Martin of Putnam.
30	AN ACT for the protection of fish, and providing penalties for its violation.	93	183, 256, 685				Stephenson.
31	AN ACT to amend sections 6, 7 and 9 of an act regulating the granting of divorces, notification of marriages, and decrees and orders of court incident thereto.	93	183				Biggs.
32	AN ACT authorizing the appropriation of one hundred thousand dollars to defray the expenses of the Forty-seventh Session of the General Assembly of the State of Indiana.	93	94	96	180	248	Williams.
33	AN ACT to amend an act regulating the interest on money.	93	174				Britton.
34	AN ACT empowering married women, under twenty-one years of age, to convey their real estate.	94	183, 243				Rhodes.
35	AN ACT to amend the 3d section of an act entitled an act providing for the organization of county boards, and prescribing some of their powers and duties, approved June 17, 1852, and prescribing the time and manner of the election of boards of county commissioners, and their time of office.	97	183				Taylor.
36	AN ACT to amend section 2 of an act to amend certain sections of an act to provide for the registry of voters, etc.	97	208, 367				Zenor.
37	AN ACT providing for and describing the manner of sale of real estate, on any interest therein, on execution or order of sale, etc.	115	208, 210, 241				Kennedy.
38	AN ACT to legalize the official acts of the board of trustees of the town of Gosport, Owen county, Indiana.	115	116	117	427	434, 435	Guthrie.

39	AN ACT to legalize the acts of the several boards of trustees of the town of Fortville, Hancock county, Indiana, and all other officers of said corporation, defining their powers, etc.	118			Warnum.
40	AN ACT to amend section 7, chapter 170, of an act entitled an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto, approved March 5, 1859.	125	315, 403, 688	689	Stone.
41	AN ACT to amend sections 3, 18 and 20, of an act entitled an act regulating decedents' and apportionment of estates, approved May 14th, 1852, and repealing all laws conflicting with the provisions of this act.	125	174, 324		Lines.
42	AN ACT to amend section 11 of an act to allow county courts to organize turnpike companies, etc.	125	316, 335, 403, 621	622	Curtis.
43	AN ACT to provide for the holding of Roman Catholic churches, cemeteries, colleges, and other property.	126	374, 411, 695	696	Gordon of Cass.
44	AN ACT regulating the fees of certain officers named therein, prescribing penalties for the violation of its provisions, and repealing all laws inconsistent therewith.	152	153, 154, 726		Ruddell.
45	AN ACT to provide for the raising of revenue, appointment of commissioners for the building of a State House, establishing regulations therefor, and declaring an emergency.	154			Wymmer.
46	AN ACT to repeal an act entitled "An act supplemental to an act entitled an act to regulate and license the sale of spirituous, vinous, malt and other intoxicating liquors," approved March 5th, 1859.	154	725		Browning.
47	AN ACT to provide for a forfeiture of a license to retail spirituous and intoxicating liquors.	154			Browning.
48	AN ACT requiring township trustees to examine the dockets of justices of the peace, as to their delinquency in paying over fines to the proper officers.	155			Cox.
49	AN ACT to authorize the collection of debts in the township where contracted.	155	210, 700		Defrees.
50	AN ACT extending the time for holding the Court of Common Pleas in the county of Kosciusko, and repealing all laws inconsistent therewith.	155	100		Biggs.
51	AN ACT repealing sections 2 and 6 of an act for the registry of voters, and to declare their residence, and to punish fraudulent practices touching elections and defining the duties of certain officers therein named and for the form of ballots, and the compensation for the services of such officers, approved April 13th, 1869.	155	367		Copner.
52	AN ACT concerning extortions.	156	210, 240		McDowell.
53	AN ACT regulating fees of county commissioners.	156	883		Deputy.
54	AN ACT providing for the election or appointment of supervisors of highways.	156	447		Rice.
55	AN ACT authorizing turnpike companies organized under the act approved March 6th, 1865, to adopt the acts of May 12th, 1852, in reference to turnpike companies, etc.	156	319, 405, 721	666	Stone.
56	AN ACT to amend section 13 of an act entitled an act providing for the election and qualification of justices of the peace, and defining their powers and duties in civil causes.	157	210, 700		Calkins of Porter.

# CALENDAR OF HOUSE BILLS.—Continued.

980

No.	TITLE.	Introduced.	PROCEEDINGS THEREON.	Passed House.	Passed Senate.	OTHER PROCEEDINGS.	BY WHOM INTRODUCED.
✓ 57	AN ACT to amend sections 1 and 2 of an act entitled an act for the election and qualification of justices of the peace, and defining their powers, etc.	157	211, 699				Myers.
✓ 58	AN ACT to establish Superior Courts, defining their jurisdiction and providing for the election and compensation of the judges thereof.	157	211, 254, 262, 263	264	665	665, 759, 861	Wilson.
✓ 59	AN ACT declaring all railroads, in the State of Indiana, common carriers, and to regulate the passenger fares and tariff rates, etc.	158	158, 159, 390				Warum.
60	AN ACT to provide for the election of the Supervisor and Board of Commissioners for the benevolent institutions of the State, and prescribing some of the duties of such officers, etc.	160	313				Mitchell.
✓ 61	AN ACT to reimburse the several townships where a special tax has been voted by a majority of the citizens thereof, in aid of turnpike, macadamized and railroads.	179	211, 901, 902, 932				Defrees.
✓ 62	AN ACT to amend and consolidate acts relating to the protection and preservation of game, birds and fish.	180	232, 233, 255, 300, 301, 445, 545, 546, 580, 607				Defrees.
✓ 63	AN ACT to amend sections 62, 63, 65 and 66, of an act entitled an act to repeal all general laws now in force for the incorporation of cities, and providing for the incorporation of cities, prescribing their powers, etc.	180	308, 401, 402	669			Taylor.
✓ 64	AN ACT to amend sections 1 and 2 of an act entitled an act to authorize aid to the construction of railroads by counties and townships taking stock in, and making donations to railroad companies, approved May 12th, 1869.	180	233, 238, 724				Millikan.
65	AN ACT making an appropriation of the sum of four hundred and thirteen thousand five hundred and ninety-nine dollars and fifty-eight cents, (\$413,599 66) for the payment of the claims of the sufferers by the Morgan raid.	180					Tebbs.
✓ 66	AN ACT to designate the holidays to be observed in the acceptance and payment of bills of exchange, and promissory notes, and repealing all laws in conflict with the same.	181	703				Ruddell.
✓ 67	AN ACT to amend section 5 of an act entitled an act concerning mortgages, approved May 4th, 1862.	181	241, 307, 386	387			Cunningham.
68	AN ACT to amend an act entitled an act districting the State for the purpose of electing four Judges of the Supreme Court, approved February 19th, 1862, and creating the Fifth District.	181	234, 444, 547, 548, 570, 578, 579				McDonald.
✓ 69	AN ACT making specific appropriations for the benevolent institutions.	182	312, 313, 391	392	477	492	Minick.



70 ✓71	AN ACT to provide for township elections.	182	366				Britton, Rhodes.
✓72	AN ACT to authorize married women to make contracts and transact business with the consent of their husbands, or under the authority of the courts.	190		379			Stone.
✓73	AN ACT to amend the 16th section of chapter 6, of an act entitled an act concerning promissory notes, bills of exchange, bonds or other instruments in writing, signed by any person who promises to pay money or acknowledges money to be due, or for the delivery of any specific article, or to convey property, etc., and repealing all laws coming in conflict therewith, approved March 11th, 1861.	190	593				McDowell.
✓74	AN ACT to limit the rate per mile for passenger fare upon any railroad running in whole or in part through this State.	190	190, 191, 194	208			Abbett.
✓75	AN ACT to legalize certain bonds issued by the city of Columbus for the construction of water works.	197	253, 306, 309, 400, 401	545			Ballenger.
✓76	AN ACT making illegal and void all contracts for the payment of attorney's fees by the promisor in such contracts.	197	242				Tebbs.
✓77	AN ACT to amend an act for the redemption of real property, or interest therein, sold on execution or order of sale, and providing for the issuing of certificates of purchase in such cases, etc.	197	422, 692				Cunningham.
✓78	AN ACT act authorizing married women to sue in their own names in certain cases, and making their husbands competent witnesses, etc.	197					Copner.
✓79	AN ACT to extend the time for the completion of certain railroads, and to legalize the acts of the boards of directors.	198	252, 307, 380, 393	393	748	835, 889	Hynes.
✓80	AN ACT to repeal section 7 of an act entitled an act providing for the appointment of notaries public, etc.	198	240				Canthorn.
✓81	AN ACT repealing all laws creating criminal courts in the counties of Tippecanoe, Wayne, Allen, Vanderburg, Jefferson, Floyd and Clarke, and transferring all business of said courts to the circuit courts of said counties.	198	309, 698				Ballenger.
✓82	AN ACT to amend an act entitled an act to periodical enumeration of the white male inhabitants of this State over the age of twenty-one years, etc.	198	234, 299, 300, 546, 547				Wilson.
✓83	AN ACT to provide for the protection of shade trees, etc.	198	424, 692				Calkins of Porter.
✓84	AN ACT to prevent prize fighting, and prescribing punishment therefor.	199	234, 273	274			Myers.
✓85	AN ACT to provide for the sale of lands returned delinquent for the non-payment of taxes, providing for the recovery of such taxes, penalty, interest and costs by action in the courts, etc.	214	310, 414, 692				Browning.
✓86	AN ACT repealing section 2 of an act entitled an act repealing sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21 and 22 of an act entitled an act to provide for the registry of voters, etc.	215	448				Kirkpatrick.
✓87	AN ACT authorizing coroners in certain cases to special constable, and defining duty, etc.	215	366				Hawley.
✓88	AN ACT directing the assignee of any note or notes secured by mortgage intending to rely upon the security afforded by such mortgage to cause such assignment to be placed of record, etc.	215	301, 384	386			Zenor.
✓89		215	242				Ruddell.

# CALENDAR OF HOUSE BILLS.—Continued.

982

No.	TITLE.	Introduced.	PROCEEDINGS THEREON.	Passed House.	Passed Senate.	OTHER PROCEEDINGS.	BY WHOM INTRODUCED.
✓90	AN ACT amending section 173 of an act entitled an act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil causes of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleadings, etc.	216	301, 876, 932				Ruddell.
✓91	AN ACT to define the offense of being intoxicated from the use of intoxicating liquors, declaring the same a misdemeanor, and prescribing punishment therefor.	216					Mitchell.
✓92	AN ACT to amend sections, 1, 25 and 33 of an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, etc.	216	606, 870, 932				Cunningham.
✓93	AN ACT to amend section 207 of chapter 1, article 11, of an act entitled an act to revise, simplify and abridge the rules, practices, pleadings and forms in civil causes in the courts of this State, etc.	217	302, 701				Biggs.
✓94	AN ACT for the protection and further promotion of the agricultural and horticultural interests of the State, and creating the office of State Entomologist, defining his duties, fixing his salary, etc.	217	536, 867, 873, 932				Furnas.
✓95	AN ACT requiring the county commissioners to contract for blank books, blanks and stationery for county officers.	217	888				Conner.
✓96	AN ACT to amend section 45 of an act to provide for the vacating and change of highways, approved June 17, 1892.	217	320, 405, 618	619			Cogswell.
✓97	AN ACT to amend section 27 of an act entitled, an act to provide for a general system of common schools, the officers thereof, their respective powers and duties thereof, etc.	218	602, 691				Tebbs.
✓98	AN ACT to amend an act entitled an act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto.	218					Cox.
✓99	AN ACT to regulate the sale of alcoholic liquors, drugs, medicines and poisons.	218	255, 307, 382, 283				Washburn.
✓100	AN ACT for the improvement of highways, and providing the same to be worked, improved and kept in order by taxation, and prescribing the duties of township trustees, county treasurers and boards of county commissioners, and repealing all laws in conflict therewith.	218	317, 318, 426, 436, 925, 930				Hooker.
✓101	AN ACT to amend section 9 of an act entitled an act to enable incorporated towns and cities to lay out, open, grade and improve streets	218	373, 411, 623	624			Haynes.

and alleys, and to make public improvements therein, etc., approved April 27th, 1867.	219	423	Gordon of Boone.
AN ACT to amend section 2 of an act to provide for the protection of wild game, etc.	219	299, 422, 534	Calkins of Porter.
AN ACT to provide for taking the sense of the qualified voters of the State, on the calling of a constitutional convention.	219	605, 914, 932	Major.
AN ACT defining the powers and duties of township trustees in relation to the building of graded school houses in their respective townships.	219	319, 404, 568	Stone.
AN ACT allowing persons to make certain improvements on the public highways and streets, and providing the manner of payments therefor and declaring an emergency.	220	316, 403	Holland.
AN ACT to prevent electors from voting for persons for road supervisors in other districts than that in which the elector resides.	220	255	Lines.
AN ACT to amend section 2 of an act entitled an act to provide for the protection of wild game, etc.	202	256	Bruner.
AN ACT to repeal an act entitled an act to provide for the protection of fish, etc.	220	448	Rice.
AN ACT to amend the 39th section of an act entitled an act to provide for the opening, vacating and change of highways.	221	366	Martin of Wayne.
AN ACT amending section 2 of an act entitled an act to provide for the registry of voters, etc.	221	723	Davidson.
AN ACT to repeal an act to authorize aid in the construction of railroads by counties and townships taking stock in, and making donations to railroad companies.	221		Stephens.
AN ACT to amend section 27 of an act providing for the settlement of decedents' estates.	222		McDowell.
AN ACT to amend an act entitled an act defining misdemeanors and prescribing punishment therefor.	222	425, 867, 932	St. John.
AN ACT relating to boards of county commissioners, and requiring such boards to publish expenditures and allowances quarterly.	222	302	Ballenger.
AN ACT repealing an act entitled an act to repeal section 31 of an act concerning real property and the alienation thereof, approved May 6th, 1852, approved May 4th, 1869.	222	444, 693	McDonald.
AN ACT to amend an act entitled an act to organize a Supreme Court, and prescribing certain duties of the judges thereof, approved May 15th, 1852, creating an additional judge of said court, and declaring an emergency.	222	702	Rhodes.
AN ACT amending section 1 of an act to authorize township trustees, trustees of incorporated towns and common councils of cities, to levy a tax for school purposes.	235	602	Browning.
AN ACT to amend section 31 of an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith and prescribing the fees of certain officers therein named.	238	305, 377, 378	Hawley.
AN ACT to regulate the dispensing and retailing of drugs, medicines and chemicals.	239	305	Rhodes.
AN ACT to amend section 4 of the temperance law.	264	423, 566, 873, 932	Taylor.
AN ACT to exempt two month's wages on salary from garnishee, process and foreign attachment.			

## CALENDAR OF HOUSE BILLS.—Continued.

No.	TITLE.	Introduced.	PROCEEDINGS THEREON.	Passed House.	Passed Senate.	OTHER PROCEEDINGS.	BY WHOM INTRODUCED.
✓122	AN ACT to appropriate \$250 for the distribution of the report of the Superintendent of Public Instruction.	266	372, 412, 615	616	961		Abbott.
✓123	AN ACT to suppress tippling houses, to regulate the sale and barter, and giving away of spirituous and malt liquors, wines and other intoxicating liquors, to provide penalties, etc.	266					Abbott.
✓124	AN ACT to repeal an act entitled an act authorizing the assessment of lands for plank, macadamized and gravel road purposes, prescribing the manner of and assessing and collecting the same, and repealing the law on that subject, approved March 11th, 1867, approved May 14th, 1869.	266	433, 446				Hawley.
✓125	AN ACT to regulate the licensing of vinous, spirituous and intoxicating liquors in the State of Indiana.	267	456, 630, 653				McFarland.
✓126	AN ACT to amend paragraph 13 of section 53 of an act entitled an act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, etc.	267	307, 383, 384				Barnaby.
✓127	AN ACT to repeal an act entitled an act authorizing the assessment of lands for plank, macadamized and gravel road purposes, approved May 14th, 1869.	267	448				Barnaby.
✓128	AN ACT to amend an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, etc.	268	701				Strickland.
✓129	AN ACT to amend an act to amend sections 1 and 3 of an act entitled an act to provide for the relocation of county seats, and for the erection of public buildings in counties, in case of such relocation, approved May 2, 1855, and to amend section 1 of an act amendatory of said act, approved December 18, 1855, etc.	268	368, 409, 661	663			Britton.
130	AN ACT to appropriate one thousand, three hundred and sixty dollars (conscience fund) to the general school fund of the State of Indiana.	269	603				Cunningham.
✓131	AN ACT supplemental to an act entitled an act in relation to county treasurer, approved March 4, 1852.	269	373, 410, 659, 874				Rice.
✓132	AN ACT to repeal the proviso in section 2 of an act entitled an act to amend section 2 of an act entitled an act making the register of sales of Michigan road lands, and certified copies of entries therein, evidence, and declaring the effect thereof, etc.	269	308, 402, 690	691			St. John.
✓133	AN ACT to regulate the sale and use of intoxicating liquors.	275					Warrum.

✓134	AN ACT to prohibit certain animals running at large except by permission by county commissioners, township trustees, etc.	275	372, 410, 669, 670	Millikan.
✓135	AN ACT to amend section 5 of an act entitled an act to amend the 18th, 24th, 25th and 26th sections of an act entitled an act regulating de- scents and appurtenment of estates, approved May 14, 1852, and adding a supplemental section to said act, approved March 4, 1853.	277	309	Bruner.
✓136	AN ACT to amend section 1 of an act entitled an act to exempt prop- erty from sale in certain cases, approved February 17, 1852.	278	307, 386	Biggs.
✓137	AN ACT to fix the time of holding the Court of Common Pleas in the Sixteenth Judicial District.	278	282, 321, 406, 678	Wood.
✓138	AN ACT to amend sections 1 and 3 of an act entitled an act to incorpo- rate the Indianapolis Gas Light and Coke Company, approved Feb- ruary 12, 1851.	278	375, 412	King.
✓139	AN ACT for the encouragement of manufacturing, mining, elevating, warehousing, storing and milling, in incorporated cities and towns, and exempting the capital in operating the same from taxation.	278	424, 692	Ruddell.
✓140	AN ACT for furthering the interests of agriculture and horticulture, for the preservation of insectivorous and song birds, and their nests and eggs, etc.	279	790	Beeler.
141	AN ACT to provide a homestead exemption of \$1,000 to householders and heads of families.	279	307, 567	Beeler.
✓142	AN ACT to amend section 5 of an act entitled an act to amend the 18th, 24th, 25th and 26th sections of an act entitled an act regulating de- scents and the apportionment of estates, approved May 14, 1852, and adding a supplemental section to said act, approved March 4, 1853.	280	372, 410, 684	Copner.
✓143	AN ACT to provide for temporary poor persons of each of the several townships of this State, prescribing the duties of township trustees, etc.	280	374	Major.
✓144	AN ACT to provide for the time of holding Circuit Courts in the Ninth Judicial Circuit, and to repeal all laws in conflict therewith.	281	606, 608, 609	Calkins, of Porter.
✓145	AN ACT to amend the 8th section of an act entitled an act to enable trustees to receive lands and donations, and convey the same for the use of churches and religious societies, Masonic and Odd Fellows' Lodges, Sons and Daughters of Temperance, and for the construction of cemeteries, houses of worship, and other buildings therein named, approved June 17, 1852.	282	374, 611, 612	Neff.
✓146	AN ACT to provide for the acquisition and enjoyment, by the United States, of lands within this State, for public purposes.	283		Stone.
147	AN ACT to protect the citizens of the State of Indiana from empiri- cism, and to elevate the medical profession.	288	293, 322, 323	Washburn.
✓148	AN ACT to amend section 1 of an act entitled an act to authorize town- ship trustees, trustees of incorporated towns and common councils of cities to levy a tax for school purposes.	289	701	Kennedy.
✓149	AN ACT in relation to the taking, holding, conveying transmitting of real estate by aliens.	289	590, 914	Heilman.
✓150	AN ACT to amend sections 1 and 3 of an act entitled an act regulating doCKET fees of district attorneys in the Courts of Common Pleas and before justices of the peace, and regulating fees, etc., approved June 4, 1851.	290	884	Holland.
✓151	AN ACT to encourage the destruction of red foxes.	290	312, 402, 403, 569	Rhodes.

# CALENDAR OF HOUSE BILLS.—Continued.

986

No.	TITLE.	Introduced.	PROCEEDINGS THEREON.	Passed House.	Passed Senate.	OTHER PROCEEDINGS.	By WHOM INTRODUCED.
152	AN ACT authorizing the issue of subpoena <i>duces tecum</i> , for certain officers, and requiring them, in certain cases, to produce original records, bonds, and other instruments, in evidence.	291	368, 408, 409				Ballenger.
153	AN ACT to provide for a general system of common schools, the officers thereof, and their respective powers and duties, etc.	291	602				Martin of Wayne.
154	AN ACT to amend an act entitled an act providing for the election or appointment of supervisors of highways, etc.	291	318, 404, 682, 741, 925				Martin of Wayne.
155	AN ACT to amend section twenty-four of an act entitled an act regulating descents and the apportionment of estates, approved May 14, 1852.	292					Knight.
156	AN ACT to amend sections 3 and 10, and to repeal sections 13 and 14 of an act to authorize and encourage the construction of levees, dykes and drains, and the reclamation of wet and overflowed lands by incorporated companies, etc.	292					Butterworth.
157	AN ACT regulating the fees of certain officers and persons therein named, and prescribing penalties for the violation of any of its provisions.	316	413, 705				Wilson.
158	AN ACT to preserve the peace, and fixing a penalty for the disturbance thereof.	337	721				Abbott.
159	AN ACT to amend section 8 of an act entitled an act touching the laying out and vacating of towns, streets, alleys, public squares, etc., approved May 20, 1852.	338	692				Taughinbaugh.
160	AN ACT to amend section 1 of an act entitled an act to amend an act providing for the election or appointment of supervisors of highways, and prescribing their duties, etc.	338	428 925				Gordon of Boone.
161	AN ACT to regulate the price and compensation for publishing legal notices.	338	902				Minick.
162	AN ACT to amend sections 2 and 6 of an act entitled an act providing for a geological survey, and for the collection and preservation of a geological and mineralogical cabinet of the natural history of the State, etc.	338	595, 742, 891				Minick.
163	AN ACT to regulate insurance companies.	339					Barnaby.
164	AN ACT to regulate the forfeiture of policies for life insurance.	340	601, 682, 683, 827, 831				Cox.
165	AN ACT to legalize the proceeding of assessors in assessing and listing lands and lots for plank, macadamized and gravel roads, the collection of benefits so assessed, and all proceedings of plank, macadam-	340	430, 827				Abbott.

166	ized and gravel road companies to repeal the gravel road law of 1869, etc.	340				Haynes.
✓167	AN ACT to simplify the mode of doing county business, and defining the fees and salaries of county officers, providing books, records and stationery, and repealing all laws in conflict therewith.	340	606, 613, 614	615		Tebbs.
✓168	AN ACT to amend sections 1 and 2 of an act creating the Twenty-Sixth Judicial Circuit, and fixing the time for holding courts therein, and fixing the time of holding the courts in the Fourth Judicial Circuit, approved April 22, 1893.	341	876			Rice.
✓169	AN ACT to apprehend fugitives from justice from foreign States.	341	702			Goble.
✓170	AN ACT to provide for county boards of education for county school purposes, defining their duties, etc.	341	369, 409, 679	680		Calkins of Fulton.
✓171	AN ACT to amend section 18 of an act entitled an act concerning the partition of lands, approved May 2, 1852.	342	560			Calkins of Fulton.
✓172	AN ACT providing for proceedings supplementary to execution before justices, being supplemental to an act providing for the election and qualification of justices, defining their powers and duties, etc.	342	369, 409, 679			Calkins of Fulton.
✓173	AN ACT to amend an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil causes in this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, etc.	342	445, 633, 634	635	758	St. John.
✓174	AN ACT to fix the time of holding Circuit Court, and length of terms thereof, in counties composing the Seventh Judicial Circuit of Indiana.	343	598		834, 864	Hendry.
✓175	AN ACT declaring property belonging to municipal corporations of five companies exempt from sale on execution.	343	423			Bruner.
✓176	AN ACT to authorize the formation of voluntary fire insurance associations, defining their powers and prescribing their duties.	344				Deputy.
✓177	AN ACT to amend the 7th section of an act entitled an act authorizing the assessment of lands for plank, macadamized and gravel road purposes, prescribing the manner of assessing and collecting the same, and repealing the law on that subject, approved May 14, 1869.	344	406, 407	408	740	Biggs.
✓178	AN ACT defining what counties shall constitute the Twenty-first Common Pleas District, and fixing the time of holding the courts therein, and repealing all laws inconsistent therewith.	344	429, 868, 932		759, 864	Canthorn.
✓179	AN ACT to amend the 51st section of an act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, etc.	344	414			Friedley.
✓180	AN ACT to amend section 412 of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in this State, etc.	345	370, 410, 594, 620	621	656	Sansberry.
✓181	AN ACT in relation to the disability of Circuit Judges to hold and discharge the duties of their courts, providing for the appointment of judges <i>pro tem</i> , etc.	345	398			Ruddell.
✓182	AN ACT to provide for the investment of the money belonging to the sinking fund.	346	408, 591, 640, 818, 932			Wilson.
✓183	AN ACT to enable cities to aid in the construction of railroads.	346	606, 914			Ruddell.
	AN ACT authorizing cities, towns and townships to negotiate bonds for school building purposes, and authorizing the collection of a tax for the payment of such bonds.					

# CALENDAR OF HOUSE BILLS.—Continued.

No.	TITLE.	Introduced.	PROCEEDINGS THEREON.	Passed House.	Passed Senate.	OTHER PROCEEDINGS.	BY WHOM INTRODUCED.
184	AN ACT to exempt a homestead from forced sale in certain cases, regulating proceedings under execution.	346	884				Gallentine.
185	AN ACT for the relief of George L. Reiter and Maria B. Reiter.	348	408, 686				Cox.
186	AN ACT to amend section 1 of an act entitled an act to enable incorporated towns to lay out, open, grade and improve streets and alleys, etc.	348	599	687	883	919	Major.
187	AN ACT to amend sections 3 and 10 of an act entitled an act providing for the election, and prescribing certain duties of county surveyors, approved March 5, 1862.	348					Calkins, of Porter.
188	AN ACT to provide for appeals in certain cases from the action of county boards of equalization.	348	408, 685	686			Calkins, of Porter.
189	AN ACT to amend an act entitled an act to provide for a general system of common schools, etc.	348	308, 604				Hynes.
190	AN ACT to amend an act providing for the election or appointment of supervisors of highways, etc.	349					Hynes.
191	AN ACT supplementary to an act regulating prosecutions in cases of bastardy, and providing for the support of illegitimate children, approved May 6, 1852.	350	369, 405, 617	618			Stone.
192	AN ACT vacating streets and alleys when not used for twenty years.	350	29				Kennedy.
193	AN ACT to amend an act supplemental to an act to provide for the vacating and changing of highways, approved March 9th, 1861.	351	426, 868, 872, 932				Kennedy.
194	AN ACT to amend section 7 of an act entitled an act repealing sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21 and 22 of an act entitled an act to provide for the registry of votes, etc.	351	366				Wiles.
195	AN ACT to amend sections 34 and 35 of an act to provide for a general system of common schools, with provisions therefor, approved March 6th, 1866.	354	603, 914				Netherton.
196	AN ACT to amend an act approved January 27th, 1847, granting to the citizens of Evansville in the county of Vanderburgh, a city charter, adding supplemental sections thereto.	356	404, 600				Heilman.
197	AN ACT to amend section 8 of an act providing for the election, and prescribing certain duties of county surveyor.	357	415				White.
198	AN ACT amending section 2 of an act approved March 11th, 1861, amending section 10 of an act providing for the election of justices of the peace, etc.	357	697				White.





## CALENDAR OF HOUSE BILLS.—Continued.

No.	TITLE.	Introduced.	PROCEEDINGS THEREON.	Passed House.	Passed Senate.	OTHER PROCEEDINGS.	BY WHOM INTRODUCED.
✓ 222	AN ACT to authorize the boards of county commissioners of the several counties to purchase dockets for the justices of the peace.	458	870, 932				Defrees.
✓ 223	AN ACT relating to school, and providing against a redistribution of school funds in certain cases.	458	870, 932				St. John.
✓ 224	AN ACT to provide for the payment of the salaries of Common Pleas judges out of the State Treasury, and to provide for the payment of the docket fees of such courts into the Treasury of the State.	459	882				Mitick.
✓ 225	AN ACT to legalize the ordinances, acts, and tax assessments, and resolutions of the board of trustees of the town of Noblesville, Indiana, during the year 1870.	459	870, 932				Conner.
✓ 226	AN ACT to protect the flags, colors, standards, guidons, relics and trophies of the State of Indiana.	480	704				Simpson.
✓ 227	AN ACT making it the duty of justices of the peace, notaries public, and clerks of the counties of this State, to certify and affix the seal of their said offices to the claims of soldiers, etc., without compensation therefor.	480	704				Simpson.
228	AN ACT to amend section 26 of an act entitled an act defining misdemeanors, and prescribing punishments therefor, approved June 14, 1852.	480					Simpson.
✓ 229	AN ACT to repeal section 2 of an act defining certain misdemeanors, and prescribing punishment therefor, approved December 2, 1865.	481	698				Simpson.
✓ 230	AN ACT to amend section 429 of an act entitled an act to revise, simplify and abridge the rules, practices, etc.	482	871, 932				Biggs.
✓ 231	AN ACT authorizing the making and recording of city plats, and making the same, and copies of the record competent evidence.	482	675, 676	677			Cauthorn.
✓ 232	AN ACT to amend sections 23 and 24 of an act entitled an act to provide for the valuation and assessment of real and personal property, etc.	482	813				Rawles.
233	AN ACT to amend sections 453 and 455 of the practice act.	483	871, 932				Rawles.
✓ 234	AN ACT providing for a general system of common schools in all cities of thirty thousand or more inhabitants, providing for the election of school commissioners, and providing for common school libraries within such cities.	483	561, 562, 636, 637	638	991		Ruddell.
✓ 235	AN ACT to amend an act to provide a treasury system for the State of Indiana, etc.	484	871, 932, 956, 957				Ruddell.

✓ 236	AN ACT to repeal all general laws now in force, and to provide for the incorporation of cities, prescribing their powers and rights, etc.	484		Wilson.
✓ 237	AN ACT to provide the mode in which vacancies in the Board of Trustees of the University of the State of Indiana shall be filled, and repealing all laws or parts of laws in conflict herewith.	486	488	Mitchell.
✓ 238	AN ACT to extend the time for the completion of railroads, in cases in which the time has been heretofore extended, and the railroads not yet completed.	493	723	Woodward.
✓ 239	AN ACT to protect travelers' baggage against rough and careless handling by employees of common carriers, etc.	493	723	Woodward.
✓ 240	AN ACT amending section 10 of an act regulating the fees and salaries of officers, etc.	494	884	Woodward.
✓ 241	AN ACT to amend section 97 of an act entitled an act to provide a general system of common schools, etc.	494	692	Neff.
✓ 242	AN ACT to provide for paroling prisoners who may be confined in any county jail for the non-payment of fines, etc.	494	878	Neff.
✓ 243	AN ACT defining libel, and affixing punishment therefor.	494	877	Neff.
✓ 244	AN ACT to establish a reasonable maximum rate of charges for the transportation of passengers on the different railroads of this State.	495	535, 661	Martin of Putnam.
✓ 245	AN ACT to regulate the sale of drugs and medicines.	495	871, 932	Washburn.
✓ 246	AN ACT to amend an act entitled an act to encourage the destruction of wolves, approved June 9, 1852.	495	596	Washburn.
✓ 247	AN ACT allowing turnpike companies in this State to charge toll when one mile of their road is completed, etc.	495	725	Stone.
248	AN ACT regulating the use of streets by railroads in incorporated towns and cities.	496		Henderson.
249	AN ACT to amend section 1 of an act entitled an act to incorporate the University of Notre Dame du Lac, at South Bend, St. Joseph county, Indiana, approved January 15, 1844.	496		Henderson.
250	AN ACT to amend section 45 of an act entitled an act defining felonies and prescribing punishment therefor, approved June 10, 1852.	497	878	Holland.
✓ 251	AN ACT fixing the time of holding Circuit Courts in the First Judicial Circuit, etc.	497	845	Holland.
252	AN ACT defining what counties shall constitute the Twelfth Judicial Circuit, and fixing the time of holding courts therein, etc.	498		Davidson.
✓ 253	AN ACT authorizing the Auditor of State to make proper distribution of moneys arising from insurance companies.	499	871, 932	Stephenson.
✓ 254	AN ACT to amend section 17 of an act entitled an act containing several provisions concerning landlords, tenants, etc., approved May 20, 1852.	500		Heilman.
✓ 255	AN ACT to amend section 16 of an act entitled an act concerning real property and the alienation thereof, approved May 6, 1852.	500	699	Hooker.
✓ 256	AN ACT amending sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of an act concerning inclosures, etc.	500	590, 915	White.
✓ 257	AN ACT to revise and amend an act entitled an act to provide compensation to the owners of animals killed or injured by the cars, locomotives, etc.	500	722	Knight.
258	AN ACT to amend section 18 of an act entitled an act regulating decedents and the apportionment of estates, approved May 14, 1852.	501	698	Rhodes.

# CALENDAR OF HOUSE BILLS.—Continued.

No.	TITLE.	Introduced.	PROCEEDINGS THEREON.	Passed House.	Passed Senate.	OTHER PROCEEDINGS.	BY WHOM INTRODUCED.
259	AN ACT to prevent placing obstructions in running streams of water, etc.	501	595, 916				Oatley.
260	AN ACT amending section 3 of an act to repeal all general laws now in force for the incorporation of cities and towns, etc.	501					Ballenger.
261	AN ACT repealing the redemption laws of January 4, 1861.	502	590, 916, 932				Ballenger.
262	AN ACT to amend an act entitled an act to authorize any person desiring to erect a flouring mill, or other machinery to be propelled by water, on his own lands, etc.	502	693				Ballenger.
263	AN ACT to regulate the fees of clerks and sheriffs of the various counties of this State.	503					Minick.
264	AN ACT to amend paragraph 47 of section 53 of an act entitled an act to repeal all general laws now in force for the incorporation of cities, etc.	503					Schoenemann.
265	AN ACT to amend an act entitled an act prescribing the duties of, and fixing the compensation of State Agent, approved June 17, 1852.	517	517, 518, 519, 520	521	921	945	McDonald.
266	AN ACT to amend the 6th section to provide for the custody and management of the notes, bonds and mortgages, arising directly out of loans heretofore made by the Board of Sinking Fund Commissioners.	524	585, 586, 670	672	939	939	Com. Ways and Means.
267	AN ACT to provide for the payment, into the several funds of the State Treasury, all moneys not needed, belonging to the State Debt Sinking Fund.	538	692, 955	956			Neff.
268	AN ACT to provide for changes of venue from criminal courts, and legalizing changes of venue heretofore made.	538	538, 539, 540	240	571	604, 734	Donham.
269	SUBSTITUTE for House Bill No. 180.	594	916				Com. C. & T. Business.
270	AN ACT to amend section 1 of an act to enable incorporated towns to lay out, open and grade streets and alleys, etc.	599	910				Com. Corporations.
271	AN ACT providing for the protection of fish, and repealing all laws in conflict therewith.	607	657	271	936	939, 945	Com. Rights and Privileges.
272	AN ACT regulating the fees of Justices of the peace.	630	724				Kennedy.
273	AN ACT to amend an act entitled an act creating the Twenty-sixth Judicial Circuit, approved April 22, 1869.	635					Williams.
274	AN ACT to repeal sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of an act entitled an act providing for the organization of boards of commissioners, etc.	636	917				Copner.
275	AN ACT authorizing metropolitan police districts in incorporated cities having a population of not less than thirty thousand inhabitants.	639					Browning.

270	AN ACT to authorize county commissioners to encourage public improvements.	640	888, 916	McFarland.
277	AN ACT to secure the arrest of horse thieves.	640	917	McFarland.
278	AN ACT in relation to the removal of dead bodies, and prescribing penalties therefor.	640	917	Barnaby.
279	AN ACT to amend section 21, of an act entitled an act to authorize a company to construct the Aurora and Laughter turnpike.	641		Tebbs.
280	AN ACT to amend section 26 of an act to provide for a general system of common schools, the officers thereof and their respective powers and duties.	641	814	Snodgrass.
281	AN ACT to amend section 6 of an act to provide for the valuation and assessment on real and personal property, and the collection of taxes in the State of Indiana.	641	917	Defrees.
282	AN ACT authorizing hydraulic companies to appropriate lands to their use for the construction and repairs upon paying the assessed value thereof.	642	917	Defrees.
283	AN ACT relating to the jurisdiction of the Supreme Court of Indiana in civil cases.	642	919, 921	St. John.
284	AN ACT to amend section 1 of an act regulating descents and the apportionment of estates, approved May 14th, 1852.	643	917, 932	Lines.
285	AN ACT in relation to unconstituted county orders.	643	918, 932	Kirkpatrick.
286	AN ACT in relation to constables, their duties and fees.	643	918	Kirkpatrick.
287	AN ACT to protect wood, timber, shade and ornamental trees, growing on lands, town and city lots, and prescribing penalties for the violation of any of its provisions.	644	918	Washburn.
288	AN ACT defining the producing of abortion or miscarriage to be a felony, prescribing punishment therefor, and repealing all laws conflicting with the same.	644	918	Washburn.
289	AN ACT to provide for the publications of the proceedings and allowances of boards of county commissioners.	645	889	Simpson.
290	AN ACT in relation to agents of foreign insurance companies doing business within this State, defining certain of their duties, and the duties of certain officers named in relation thereto.	645		Canthorn.
291	AN ACT to amend sections 2 and 3 of an act entitled an act to fix the number of Senators and Representatives to the General Assembly of the State of Indiana.	646	904, 905, 909, 943, 947. 951, 952, 953	Canthorn.
292	AN ACT to provide for the sale and transfer of corporation stock for non-payment of taxes, and declaring an emergency.	646	820	Ruddell.
293	AN ACT authorizing the appropriation of money out of the State Treasury for the use of the Indiana State University, located at Bloomington.	647	881	Mitchell
294	AN ACT to amend section 5 of an act entitled an act to provide for a uniform mode of doing township business.	647	918	Major.
295	AN ACT to authorize the exercise of executive clemency toward prisoners convicted of public offenses and sentenced to imprisonment, by prolonging, instead of pardoning such prisoners.	648		Calkins of Porter.
296	AN ACT touching the consolidation of railroads and declaring the effect of such consolidation.	648	859, 885	Calkins of Porter.
297	AN ACT to provide for farm crossings across railroads.	648	886	Calkins of Porter.

# CALENDAR OF HOUSE BILLS.—Continued.

No.	TITLE.	Introduced.	PROCEEDINGS THEREON.	Passed House.	Passed Senate.	OTHER PROCEEDINGS.	BY WHOM INTRODUCED.
✓298	AN ACT to amend the 108th section of an act to provide for a general system of common schools, fixing the fees for certain officers, etc.	648					Neff.
✓299	AN ACT making the fee for recording deeds, mortgages and leases, a lien on the real estate described therein.	649	814				Montgomery.
✓300	AN ACT to legalize the existence, meetings and proceedings of the District and State Boards of Equalization which assembled in 1869, and to enforce the observance of the action of said State Board.	649					Stone.
✓301	AN ACT to provide for the payment of taxes quarterly.	650					Stone.
✓302	AN ACT establishing a standard weight per bushel for cranberries, etc., and declaring an emergency.	651					Netherton.
✓303	AN ACT to amend section 18 of an act entitled an act regulating deeds and the apportionment of estates, approved May 14th, 1852.	651					Davidson.
✓304	AN ACT fixing the weights and regulating the sale of salted or cured fish and prescribing punishment for the violation thereof.	651					Davidson.
✓305	AN ACT in relation to orphan asylums and children intrusted to their care.	651	816				Heilman.
✓306	AN ACT to amend section 7 of an act entitled an act to provide for a general system of common schools, the officers thereof, their respective powers and duties, and matters properly connected therewith.	651					White.
307	AN ACT to amend section 2 of an act entitled an act creating the Twenty-third Common Pleas District, and making provisions therefor, and repealing all conflicting laws.	652	673, 674	675			Rhodes.
308	AN ACT appointing commissioners to visit the fish ponds of James T. Campbell, to ascertain the extent of his enterprise, and to inquire into the expediency of assisting him by an appropriation.	652	725				Oatley.
✓309	AN ACT in relation to sales of real estate and personal property on execution, providing for appraisement, and other matters properly connected therewith.	653					Balleuger.
✓310	AN ACT providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases.	654	887				Martin of Wayne.
✓311	AN ACT to provide for a general system of common schools, the officers thereof, their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof.	654	880				Martin of Wayne.

312	AN ACT declaring who shall not be competent to act as viewers and reviewers for the location, vacation, or change of highways, and declaring an emergency.	677	890	White.
313	AN ACT providing that conveyances so proved or certified, as to be entitled to record, may be read in evidence without further proof of its execution thereof.	678		Biggs.
314	AN ACT to amend section 64 of an act concerning justices of the peace, and defining their powers and duties, approved June 9, 1852.	678	890	Warrum.
315	AN ACT to authorize and encourage the construction of levees, dikes, drains and ditches, and the reclamation of wet and overflowed lands by incorporated associations, and providing for the incorporation of such associations, etc.	690	751	Taylor.
316	AN ACT regulating the fees of certain county officers therein named, and prescribing penalties for the violation of its provisions.	705		Cogswell.
317	AN ACT for the relief of Emily Wilson, etc.	727	880	Mitchell.
318	AN ACT to amend section 4 of an act entitled an act to regulate and license the sale of spirituous, vinous, malt, and other intoxicating liquors, etc.	727		Mitchell.
319	AN ACT to provide for an appeal from the granting of license to retail intoxicating liquors by the boards of commissioners, etc.	727		Taylor.
320	AN ACT requiring railroad companies, and other corporations, and persons manufacturing machinery, or other property, to list the same for taxation, etc.	728	859	
321	AN ACT in relation to the collection of delinquent taxes, and requiring county treasurers to assign reasons for the failure to collect, etc.	728	888	Taylor.
322	AN ACT to authorize the killing of useless or sheep-killing dogs, etc.	728	819	Taylor.
323	AN ACT to authorize the incorporation of associations for the erection of buildings, or the purchase, improvement, and sale of real estate.	728	819	Taylor.
324	AN ACT to provide for the appraisement and assessment of real property, where the same has been improperly appraised by mistake or otherwise.	729		Minick.
325	AN ACT to amend section 2 of an act entitled an act declaratory of the law regulating marriages, and enforcing the provisions thereof by proper penalties, approved March 5, 1852.	729		St. John.
326	AN ACT declaring certain property belonging to fire companies exempt from sale on execution.	729		Hendry.
327	AN ACT limiting the jurisdiction of the Court of Common Pleas in counties where a Superior Court is organized, etc.	729	935	Wilson.
328	AN ACT to amend section 1 of an act entitled an act to amend section 1 of an act entitled an act relative to the salaries of public officers, and providing the manner of paying the same, etc.	730	877	Cunningham.
329	AN ACT supplemental to an act entitled an act to regulate and license the sale of vinous, malt, and other intoxicating liquors.	730		Cepner.
330	AN ACT regulating the manner of paying the per diem of township trustees, assessors, and supervisors of highways.	731	890	Major.
331	AN ACT to amend section 13 of an act entitled an act to provide for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases, approved June 9, 1852.	731	887	Holland.
332	AN ACT to regulate the fees of county officers, etc.	732		Cogswell.

# CALENDAR OF HOUSE BILLS.—Continued.

996

No.	TITLE.	Introduced.	PROCEEDINGS THEREON.	Passed House.	Passed Senate.	OTHER PROCEEDINGS.	By WHOM INTRODUCED.
333	AN ACT to incorporate the Jefferson Insurance Company of the city of Madison.	753					Simpson.
334	AN ACT to exempt from assessment and taxation promissory notes executed in consideration of real estate, in certain cases.	753					Ray.
335	AN ACT in relation to the right to challenge certain jurors.	757					Rhodes.
336	AN ACT in relation to the manner of holding primary elections.	757					Stephenson.
337	AN ACT to provide for the appraisal, and the equalization of the appraisal, of real property in the State of Indiana.	759					Joint com. on equalization of taxation.
338	AN ACT to define the terms "true cash value," and "true value in money," as used in the laws providing for the appraisal of real and personal property for taxation in the State of Indiana.	751					Joint com. on equalization of taxation.
339	AN ACT to amend section 22 of an act entitled an act for the incorporation of towns, defining their powers, providing for the election of officers thereof and declaring their duties, approved June 11, 1852, and legalizing the acts of certain persons and officers therein named.	752	755, 795	797			Cauthorn.
340	AN ACT redistricting the State for congressional purposes, and providing, in a certain event, for the election of one or more congressmen from the State at large.	790					Browning.
341	AN ACT to amend section 13 of an act entitled an act to establish a home for the maintenance of sick and disabled Indiana soldiers, seamen, and their orphans and widows, approved March 11, 1857, and section 2 of an act supplementary to said act, approved May 14, 1859.	818					Com. on benevolent institutions.
342	AN ACT to repeal all laws now in force authorizing the levy and collection of any tax for State Debt Sinking Fund purposes.	828	855	836	947	954	Neff.
343	AN ACT to raise revenue, for State purposes, for the years 1871 and 1872, and for subsequent years.	829	837	838	947	950	Neff.
344	AN ACT supplemental to an act entitled an act in relation to the fees of county officers.	825	958	855			Taylor.
345	AN ACT fixing the time of holding courts in the several counties composing the First Judicial Circuit of this State, repealing all laws conflicting therewith, and declaring an emergency.		853		883		Deputy.
346	AN ACT to provide for the triennial appraisal and equalization of the appraisal of all railroad property within this State, for the purposes of taxation.	848					Joint committee on railroads.
347	AN ACT defining what counties shall constitute the Ninth, Eleventh,	866					Davidson.



348	Twelfth and Twenty-ninth Judicial Circuits, and fixing the time of holding the courts therein, etc., and declaring an emergency.	874	Com. on railroads.
349	AN ACT to provide for the assessment and taxation of express, telegraph and freight companies.	875	Com. on judiciary.
350	AN ACT supplemental to an act entitled an act in relation to county treasurers, approved June 4, 1852.	878	Com. on judiciary.
351	AN ACT to amend section 45 of an act entitled an act defining felonies, and prescribing punishments therefor, approved June 10, 1852.	886	Com. on rights and privileges.
352	AN ACT to amend section 7 of an act entitled an act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto.	901	McGowan.
353	AN ACT supplemental to an act entitled an act to establish a female prison and reformatory institution for girls and women, and to provide for the organization and government thereof, and making appropriations, approved May 13, 1869.	924	Taylor.
354	AN ACT to amend an act entitled an act to provide for the assessment and valuation of real and personal property.	930	Abbott.
355	AN ACT to amend section 2 of the act of March 11, 1861, entitled an act to amend an act entitled an act, authorizing county agricultural societies to purchase and hold real estate.	932	Browning.
356	AN ACT to amend section 4 of an act entitled an act appointing commissioners to sell certain real estate therein named, to provide a residence for the Governor of the State, etc.	932	Browning.
357	AN ACT to provide for other affidavits than that of the applicant for a change of venue in civil and criminal cases.	933	Gordon of Cass.
358	AN ACT to amend an act creating the Twenty-fifth Judicial District of the State of Indiana, approved February 3, 1871.	934	Barnaby.
359	AN ACT to amend sections 9 and 87 of an act entitled an act dividing the State into counties, etc.	935	Caldwell.
360	AN ACT to amend section 2 of an act entitled an act creating the Twenty-fourth Common Pleas District, etc.	936	Coggswell.
361	AN ACT to amend section 1 of an act entitled an act prohibiting Supreme, Circuit or Common Pleas judges, clerks of the Circuit and Common Pleas Courts, auditors, treasurers, recorders, sheriffs and their deputies from practicing law, etc.	940	Tebbs.
362	AN ACT to fix the time of holding Courts of Common Pleas in Dearborn county.	941	McGowan.
363	AN ACT to amend section 6 of an act approved March 6th, 1859.	941	McGowan.
364	AN ACT providing for the appointment by the several courts in this State, of guardians of persons of unsound minds.	942	Warum.
365	AN ACT to amend sections 1, 9 and 10 of an act providing for the election of justices of the peace, defining their powers, duties, etc.	942	Millikan.
366	AN ACT to amend sections 6, 7, 8, 9, 10, 11 and 12 of an act approved May 12th, 1869, and entitled an act to authorize aid to the construction of railroads by counties and townships taking stock in and making donations to railroad companies.		
	AN ACT describing the northern and western boundary lines of the county of Starke, State of Indiana.	958	Netherton.

# JOINT RESOLUTIONS OF THE HOUSE.

998

No.	TITLE.	Introduced.	PROCEEDINGS THEREON.	Passed House.	Passed Senate.	OTHER PROCEEDINGS THEREON.	By Whom INTRODUCED.
1	A JOINT RESOLUTION proposing an amendment to the Constitution of the State on the subject of the Wabash and Erie Canal.	14	271	315			Neff.
2	A JOINT RESOLUTION in relation to the granting of pensions to the surviving soldiers of the war of 1812.	74	75, 76				Neff.
3	A JOINT RESOLUTION in relation to the improvement of the navigation of the Wabash river.	111			158	184	Cauthorn.
4	A JOINT RESOLUTION in relation to the increase of pensions.	152	177				Devol.
5	A JOINT RESOLUTION in reference to the granting of lands to the soldiers and sailors of the late war.	188					Tebbs.
6	A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Indiana.	196					Wymers.
7	A JOINT RESOLUTION instructing our Senators and requesting our Representatives in Congress to secure the passage of a law equalizing bounties.	212			321		Friedley.
8	A JOINT RESOLUTION providing for the taxation of United States Bonds.	238					Walker.
9	A JOINT RESOLUTION instructing the Senators and requesting the Representatives of the State of Indiana, in the Congress of the United States to use their influence to secure the abolition of the banking privileges.	264			435		Taylor.
10	A JOINT RESOLUTION empowering the Governor of the State to collect by suit or otherwise from the Terre Haute and Indianapolis Railroad Company, all claims, dues and demands rightfully owing to the State by said company.	276	324, 325, 326, 327, 329,	330			Martin of Putnam.
11	A JOINT RESOLUTION requesting our Representatives, and instructing our Senators in Congress to secure the passage of a bill vacating the navigation of the Wabash river, etc.	292					McDowell.
12	A JOINT RESOLUTION appointing a committee of five, (three from the House and two from the Senate,) to re-district the State for judicial purposes.	293					McDonald.
13	A JOINT RESOLUTION instructing our Representatives in Congress to use their influence for the appointment of an International Congress, for the settlement of National disputes without war.	647					Mitchell.

14	A JOINT RESOLUTION on the subject of gifts to Presidents and Presidential candidates.	652	809, 810	810	Mack.
15	A JOINT RESOLUTION ceding to the United States jurisdiction to territory therein mentioned and for purposes therein named.	653			Ballenger.
16	A JOINT RESOLUTION in relation to the contraction of currency.	732			Calkins of Porter.
17	A JOINT RESOLUTION in relation to the transfer of the Soldiers National Cemetery at Gettysburg, to the General Government.	865		865	Stone.

## BILLS OF THE SENATE.

No.	TITLE.	Received from Senate.	PROCEEDINGS THEREON.	Passed House.	OTHER PROCEEDINGS.
22	AN ACT to fix the time of holding courts in the Sixth Judicial Circuit, requiring persons to take notice thereof, providing for the return of process, and repealing all laws in conflict herewith, and declaring when this act shall take effect.	191	132, 260, 270	295	
25	AN ACT regulating the times of the Circuit Courts in the Fifteenth Judicial Circuit, etc.	200	229, 271	296	315
1	AN ACT to legalize bonds of cities issued to aid in the construction of water works, and sale and hypothecation of such bonds, legalize all orders, resolutions, and ordinances of cities for the construction of water works, and all acts done and contracts made under and in pursuance thereof, and to authorize the issuing and sale of bonds, and negotiating of temporary loans to raise money, and to carry out and comply with contracts heretofore made for the establishment and construction of water works, and to fully complete said works.	200	228, 229, 271	272	293
39	AN ACT amendatory of an act accepting the provisions of an act of the Congress of the United States of America, donating lands to the several States and territories for agricultural colleges.	200	229, 271, 335	337	396
105	AN ACT to abolish the Twenty-ninth Judicial Circuit (Jefferson Criminal Court), etc.	396	396, 559, 630, 632	633	656, 686
21	AN ACT to amend section 39 of an act entitled an act defining felonies, and prescribing punishment therefor.	396	508, 513, 514	515	611
34	AN ACT to amend an act entitled an act to amend the 14th clause of section 30 of an act entitled an act granting to the citizens of the town of Evansville, county of Vanderburg, a city charter, approved January 27, 1847, and declaratory of the meaning of the second section of said act, approved December 21, 1865, and making supplementary sections thereto, for the government of the water works of said city.	396	821, 824, 826		
23	AN ACT to constitute the Twenty-eighth Judicial Circuit.	433	478, 479	480	484
32	AN ACT to fix the time of holding courts in the Twenty eighth Judicial Circuit.	434	508, 846	847	945
136	AN ACT to fix the time of holding the Circuit Court in the Eighth Judicial Circuit, etc.	437	509, 920		
8	AN ACT to amend the 6th, 7th and 11th sections of an act entitled an act regulating the granting of divorces, etc.	476	508, 902		
175	AN ACT to fix the time of holding the Common Pleas Court in the county of Decatur, and repealing all laws inconsistent therewith.	476	505, 506	507	532

145	AN ACT fixing the time of holding the courts in the Twelfth Judicial Circuit, etc.	476	509, 607, 611	613	681
173	AN ACT legalizing the consolidation of the Logansport, Camden and Frankfort, the Frankfort and Crawfordsville, and the Crawfordsville and Rockville Railroad Companies, under the name of the Logansport, Crawfordsville and Southwestern Railway Company.	484	489, 490	491	525
163	AN ACT to authorize consolidation of hydraulic companies, and to define the powers of such consolidated companies.	491	509, 739, 848	849	945
149	AN ACT to amend section 14 of an act concerning promissory notes and bills of exchange.	502	544, 739		
35	AN ACT to amend section 207 of an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, etc.	538	738		
11	AN ACT to prevent hunting or shooting within enclosures, without the consent of the owner thereof, and fixing a penalty therefor, and to prevent trespassing upon enclosed lands.	571	738		
2	AN ACT to amend an act entitled an act to enable the owners of wet lands to drain and reclaim them, where the same can not be done without effecting the lands of others, etc.	571	738, 790		
69	AN ACT authorizing plank, macadamized and gravel road companies to enter upon lands, to construct drains, and to appropriate material by giving notice, and having materials appraised.	571	738, 797, 798, 799		
53	AN ACT to authorize trustees to sell estate, and invest the proceeds of sale for the benefit of their <i>cestue que trusts</i> .	619	739		
18	AN ACT making it lawful for county recorders to demand and receive their fees for recording, at the time any deed, mortgage, or other paper is presented for record.	644	738		
4	AN ACT regulating the fees and salaries of certain officers therein named, and prescribing penalties for the violations of its provisions.	739	748, 749, 752, 759, 789, 800	808	845, 932
152	AN ACT to extend the time for the completion of railroads in cases in which the time has been heretofore extended and the roads are not yet completed.	748	851	853	949
24	AN ACT authorizing plank, macadamized and gravel roads, with the concurrence of township trustees, to levy a road tax in their respective districts.	759			
48	AN ACT supplemental to an act entitled an act to authorize the construction of levees, dikes and drains, and the reclamation of wet and overflowed lands by incorporated companies, and to repeal all former laws relating to the same subject, which act took effect May 22, 1869, and prescribing penalties for the violation of any of the provisions thereof.	834	855, 856, 857, 923	924	
180	AN ACT declaring public squares, so marked on the plats of towns, not specifically donated to any purpose, to be a grant for common school purposes, and authorizing school trustees or the township trustees of such townships to take possession of and erect school buildings thereon.	883			
28	AN ACT to amend an act to organize a Supreme Court, and prescribing certain of the duties of the judges thereof, approved May 15, 1852, creating an additional judge of said court, and declaring a vacancy.	939	942, 961		

# BILLS OF THE SENATE.—Continued.

1002

No.	TITLE.	Received from Senate.	OTHER PROCEEDINGS.	Passed House.	OTHER PROCEEDINGS.
37	AN ACT to amend an act entitled an act districting the State for the purpose of electing four judges of the Supreme Court, approved February 19, 1852, and creating the Fifth District.	949			
151	AN ACT to legalize certain acts of corporations organized, or attempted to be organized, under and by virtue of an act entitled an act authorizing the construction of plank, macadamized and gravel roads, approved May 12, 1852, and acts supplemental thereto.	950			
94	AN ACT to prevent public roads from being changed or obstructed in certain cases therein provided for.	954			
174	AN ACT to amend an act entitled an act to authorize aid to the construction of railroads, etc.	961			
185	AN ACT declaring the true intent and meaning of an act to authorize aid to the construction of railroads by counties, etc.	962			
216	AN ACT to authorize the boards of commissioners of the several counties of this State to appropriate money to aid in putting and keeping in repair a canal, etc.	962			

# JOINT RESOLUTIONS OF THE SENATE.

1003

No.	TITLE.	Received from Senate.	PROCEEDINGS THEREON.	Passed House.	OTHER PROCEEDINGS.
1	A JOINT RESOLUTION of instructions to our Senators in Congress in reference to the annexation of San Domingo.	87	100	102	104, 335
2	A JOINT RESOLUTION ceding to the United States jurisdiction over certain lands in Jeffersonville, Indiana, to be used for military purposes.	210		227	239
3	A JOINT RESOLUTION proposing an amendment to the Constitution.	231		304	315
4	A JOINT RESOLUTION giving lands to soldiers and seamen.	269		541	610
6	A JOINT RESOLUTION for the adjustment and collection of claims in the State of Indiana.	324	377, 429		
7	A JOINT RESOLUTION concerning the so-called fifteenth amendment to the Constitution of the United States and its pretended ratification, and proposing a Convention of States to amend the Constitution of the United States.	384	509, 522		
8	A JOINT RESOLUTION in relation to the improvement of the harbor at Michigan City, Indiana.	410		543	581
9	A JOINT RESOLUTION in regard to the abolition of the franking privilege.	619	629, 663	664	834
10	A JOINT RESOLUTION directing the disposition to be made of certain Indiana five per cent. bonds or stocks, now in custody of the Secretary of the Treasury of the United States. A JOINT RESOLUTION in favor of the passage of an act by Congress to extend the jurisdiction of the Light House Board so as to include the Mississippi, Misionri and Ohio rivers, and to arrange these rivers in one or more Light House Districts.	644	739		





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Appeared and was sworn.....	5
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